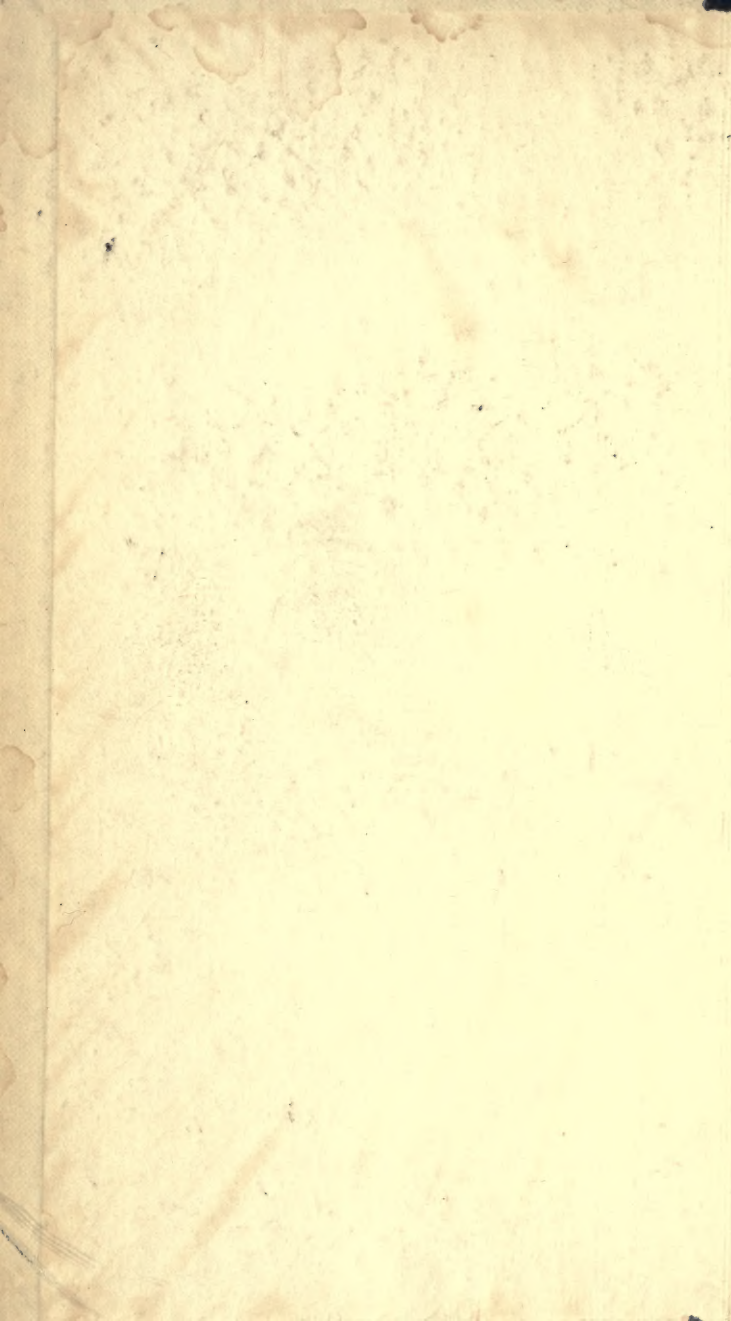


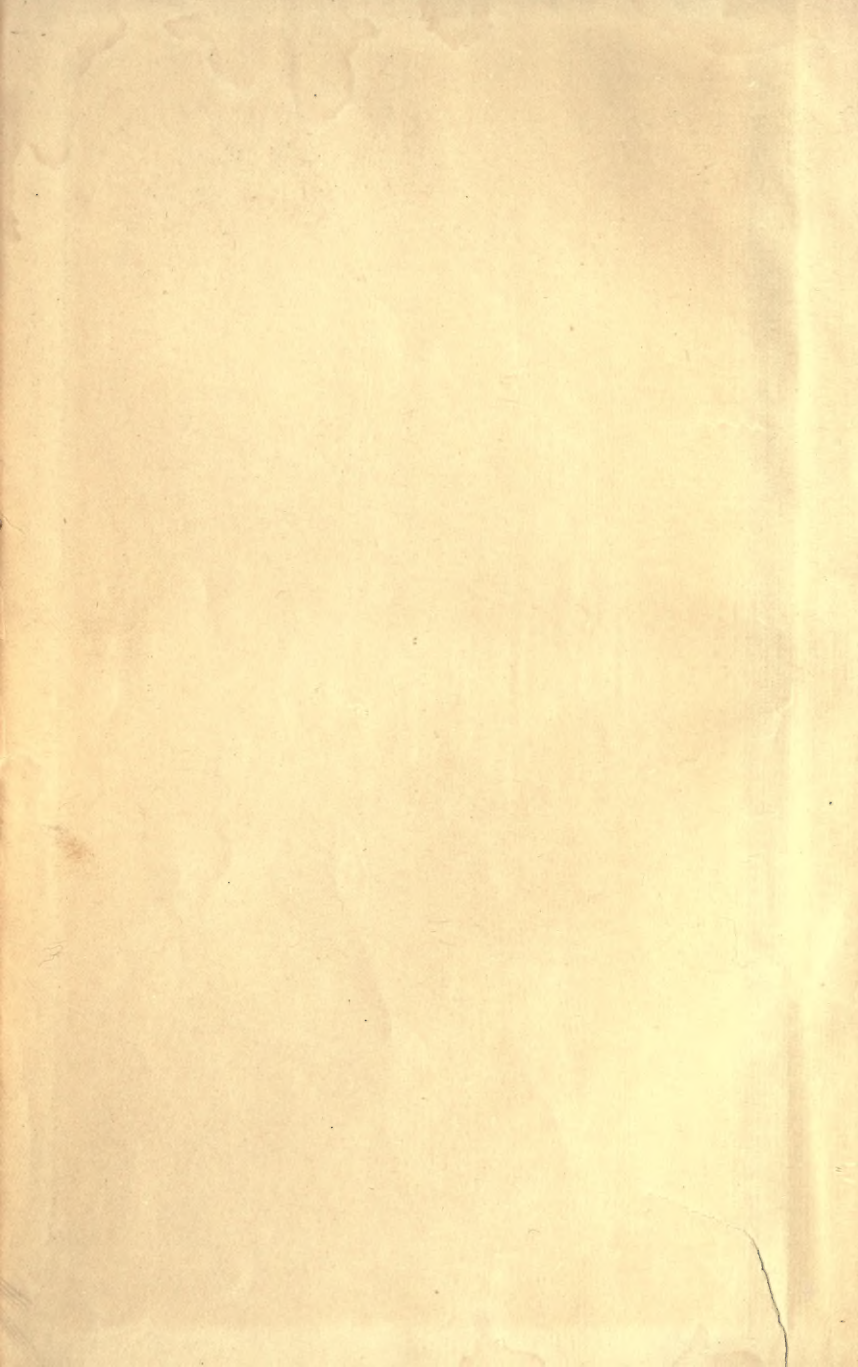
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GLASGOW HERALD

VOLUMES ON CURRENT TOPICS

THE UNION OF 1707

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THE UNION OF 1707

A Survey of Events

BY VARIOUS WRITERS

WITH AN INTRODUCTION BY
P. HUME BROWN, M.A., LL.D.

AND THE
TEXT OF THE ARTICLES OF UNION

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THE UNION OF 1707

INTRODUCTION

By P. HUME BROWN

THE articles included in the present volume have a two-fold interest; they are the contributions of writers differing widely from each other in their sympathies, opinions, and points of view, and they treat their subject under all its significant bearings—political, ecclesiastical, economical, social, and literary. They present, further, the English as well as the Scottish point of view regarding the antecedents and the results of the Union, and a contrast and comparison between the conditions under which the unions of the English and the Scottish, and the English and the Irish Parliaments were respectively effected. What is noteworthy in the volume is that, divergent as are the opinions of the writers, and various as are the standpoints from which the subject is regarded, all the views expressed converge to one conclusion—that the Union was inevitable, and, at the same time, desirable. The Union was 'in the nature of things,' writes one contributor, quoting Defoe; it

was 'a political necessity for England and a commercial necessity for Scotland,' writes another; and, treating the subject from their respective points of view, the other contributors arrive by their different paths at a virtually identical judgment. It is this concurrent testimony of writers, each a specialist in his own subject, that must give the volume its chief and permanent value.

There is one point of view from which the Union may be regarded, and which did not fall within the scope of any of the contributors; besides the English and Scottish points of view, there is the European point of view. A few words under this head may be an appropriate introduction to the articles that follow.

A permanent, if not an immediate, result of the Union for Scotland was that it re-attached her to the European movement, and this result, when all is said, was the supreme compensation for the surrender of her legislative independence. Throughout all her past history it was mainly owing to influences from without that she had been enabled to take and maintain her place in the community of nations, and in this respect, of course, her history does not differ from that of other countries. It was through common endeavours, common aims, and a common civilization that the different nations of Christendom, mutually interdependent, had come to form so many distinct units—the beginnings of the process dating from so far back as the breaking-up of the Roman Empire. From the moment Scotland is referred to in written records we find her in touch with the

larger world of which she was to form a constituent part. The presence of the Roman legions gave the first impulse to consolidation among the different tribes within her bounds; through Ireland she received something of the culture which that country had originally borrowed from Rome; and from England and the Continent she derived the feudal system and the Catholic faith, which made of her a nation, based on like foundations and bound to conjoint aims with the other communities of Christendom.

And it was through the maintenance of this common bond that she grew with the growth of other countries, in proportion to the resources at her disposal. During the later period of the Middle Age she maintained the bond through her alliance with France, and, when her breach with France came, the Reformation brought her into living contact with the forces of the time that were transforming the conditions of the spiritual and practical life of man. At no previous period of her history had Scotland been so closely united to the Continent by ties of interest, ties of common fears, and ties of common faith as at the period of the Reformation. Proportionably great, therefore, was the national sense of the change that followed the Union of the Crowns in 1603. Throughout the century between the two Unions, Scotland, so far as her living development was concerned, was practically isolated from the Continent. In the foreign policy of England she had no part beyond paying her quota of men and money when her sister kingdom chose to go to war. Through lack

of mutual sympathy England could not be to her what France had once been, and which France had ceased to be since difference of religion had severed the ancient alliance. The Union of the Crowns brought many disadvantages to Scotland, but the result of it that most vitally affected her was her severance from the nations at a period when new principles and new ideals were guiding their policy. Throughout the entire century Scotland was a severed and withered branch, and her people knew it.

By the Union of her Parliament with that of England in 1707 Scotland acquired a stake, though not an independent stake, in the movement of the European Powers. Could she have acquired it and effectually maintained it had she set up a king of her own? A glance at the development of the leading nations in Europe during the seventeenth century may assist towards a judgment on the question.

By the beginning of the seventeenth century the leading European Powers had decisively entered on that international rivalry which has gone on with increasing intensity to the present day. The ground of their rivalry was simply the issue, which of them was to acquire the largest share of the good things which four Continents had now at the world's disposal. The rivalry had indeed existed since these nations had a beginning, but in the seventeenth century it attained a scope and a persistence of purpose unknown at any previous period. The reason, as it is now explained to us by economic historians, is simple. Throughout

the Middle Age trade competition was confined to the rivalry of town with town, in the same or in different countries. The mediæval town was an isolated commercial garrison, girdled with walls and girdled with tariffs, regulating its own economic policy, self-centred and bent exclusively on the furtherance of its own interests. Under such conditions there could be no keen sense of international rivalry in trade. Venice might be jealous of Antwerp, but the jealousy was confined to the competing merchants.

In the seventeenth century all this was changed. In the case of the leading nations—England, Holland, and France—the State took over the economic policy of the country, and the interests of individual towns were subordinated and correlated to the interests of the collective community. Behind the commercial policy of these nations was now the power of the State, and henceforward people was arrayed against people in the competition for the markets of the world. It was now discovered that ‘national power and national wealth are sisters.’ Competition became ‘undeclared hostility.’

The history of the relations of the chief commercial countries during the seventeenth century signally illustrates the new conditions under which international trade had now to be carried on. Holland took the lead in the scramble for the first place in the world’s markets, and it was by means of her fleet—the best-manned and most numerous in Europe—that she for a time maintained her supremacy. By sheer brute violence she enforced

the policy that was now necessary for a nation to hold its own against all rivals. By her command of the sea she gained a virtual monopoly of trade in the East—the massacre of the British Settlement at Amboyna in 1623 being the tragic illustration of the methods by which she gained it. In Europe she pursued the same policy, closing Antwerp against all foreign traders, ruining by her tyrannous system of tolls the trade of the Hanseatic towns and of Germany. But in the second half of the seventeenth century she was encountered by a rival who proved more than a match for her at her own weapons. England came to possess a fleet and to display a genius for the sea which assured her the superiority in the life and death contest with her rival. By the same methods—the exertion of brute force and a merciless war of tariffs—which the Dutch themselves had employed, she wrested the supremacy of trade from all competitors. About the year 1670 Holland possessed about 16,000 trading-vessels, and England only about 4000; by the beginning of the following century the advantage lay with the latter.

The contest between England and Holland was only the first illustration of the new phase into which commercial rivalry had passed. During the closing years of the seventeenth century and throughout the eighteenth the nations were to be taught by woful experience that national power was indeed the sister of national wealth. In the war of the Grand Alliance (1689-1697) against France, the allies openly declared that their aim

was the ruin of French commerce by cutting her off from all foreign ports. The War of the Spanish Succession (1701-1713) had similarly for its object the exclusion of France from the trade of the New World. In her war with Spain (1739-1748) England never disguised the fact that her determination was to secure her smuggling trade with Spanish America. In 1755 England and France came into collision in North America, and again the *casus belli* was the rivalry of two powers for enlarged possessions, that is, for increased scope and facilities in trade. A German economist, writing in 1797, states that during the preceding one hundred and forty-four years England had spent sixty-six in naval wars in the interests of her commerce.

Such were the conditions under which Scotland would have had to win and maintain her place as a trading nation had she broken away from England and set up an independent government of her own. Would she, of her own resources, have been able to win and maintain it? The period that followed the Union of 1707 was one in which a powerful armament was indispensable if a nation was to hold its own against all rivals. A petty State, such as Scotland must have been in comparison with the great Powers engaged in the international rivalry, would have run a thousand risks of being crushed in a contest waged with blood and iron. The history of Germany during the eighteenth century is the convincing proof of the fate in store for a people that could not present a strong and united front in face of the forces that

were contending for more than their due share in the world's goods. Dismembered and dissevered, Germany was incapable of a common economical policy and powerless to put forth her strength in the Armageddon of the nations, and the result was her commercial effacement, till in the nineteenth century union brought her the strength to do battle on equal terms with the Powers that had hitherto overridden her.

From all we know of Scotland at the period of the Union she would have been incapable, as an independent kingdom, of adopting and maintaining a consistent foreign policy or of consolidating her resources towards a common end. The king she must have chosen must either have been a Protestant who was not a Stewart, or a Stewart and therefore a Catholic. In either event the issue must have been disastrous to national unity. The numerous body of Jacobites in the country would never have rested under a king who was not of the ancient Royal House. There would have been Jacobite attempts more formidable than the '15 and the '45. Supported by their numerous contingent in the Lowlands and with the Highlands at their back, the Jacobites would in all probability have succeeded in overthrowing the existing government and have placed a Stewart on the throne. As an inevitable consequence, the vanquished party in the country would have appealed to England, which, in its own interests, would have responded to the appeal. The Stewart would in his turn have been ejected, but the intervention of England would eventually have been resented by

all Scottish parties, and the old story would have been renewed of international jealousy between the two kingdoms, to the serious detriment of both.

Such, in all likelihood, would have been the course of events had a king been chosen who was not a Stewart. The issues would not have been less disastrous had a Stewart been chosen. Equally in affairs of State and religion he would have followed the traditional policy of his family. Again, as in the previous century, there would have been a Protestant-Whig revolt, and in this event, also, England would have been called in by the insurgent party to settle accounts with their adversaries.

Whether, therefore, we look at the internal condition of Scotland at the period of the Union or at the conditions that obtained in Europe at large, the conclusion seems forced upon us that the Union was both necessary and desirable if Scotland was to win her due share of the world's prosperity and to keep pace with the development of other nations. And not less necessary and desirable was the Union in the interests of England. Not with the same giant strength could she have done battle for commercial supremacy had Scotland been her enemy and the convenient instrument of other enemies still more formidable.

I

THE SCOTTISH PARLIAMENT

By ROBERT S. RAIT

EXACTLY six hundred years ago the death of Edward I. of England rendered possible the development of a national Parliament in Scotland; exactly two hundred years ago that Parliament voluntarily acquiesced in a Union with the larger and greater Assembly which Edward had called into being at Westminster. The life of the Scottish Parliament covers the period from Robert the Bruce to Queen Anne, and its Acts and all—or most—things that it did can be read in the series of thirteen folio volumes edited between 1814 and 1875 by Mr. Thomas Thomson and Mr. Cosmo Innes. It would require thirteen stupendous folios to contain the records of English Parliamentary life for four hundred years, and the contrast becomes the more remarkable when we remember that the second of our thirteen volumes brings the story up to the deposition of Queen Mary, and that only a portion of Volume I. is occupied with what may strictly be called Parliamentary proceedings. In short, the records of Parliament from

1326-1567 may be read in a little over seven hundred pages. There are, doubtless, documents that have not come down to us. Some may have perished in the wreck of the *Elizabeth* (an ill-omened name for Scotland) in the end of the year 1660; they were being returned from London, whither Cromwell had carried them in the dark days of 1651. Others may, perhaps, have been lost in the fire which destroyed the Houses of Parliament in the autumn of 1834. But the paucity of Parliamentary records in pre-Reformation times represents accurately enough the slight place occupied by the Parliament in the national life.

We have spoken of the Parliament as originating in the War of Independence, the long struggle which made Scotland a nation, which created a bond of union between the Scots people and their Anglo-Norman or Anglo-Normanised nobility, which welded together the Anglian population of the Lothians with the partially Anglicised Scot of the Lowlands and with the Highlanders, who (in the words of a fifteenth century Dundonian) remained 'just as they were in the time of Malcolm Canmore, in whose days we began to adopt English manners.' Attempts have been made to show that the Scottish Parliament can boast superior antiquity to its English sister; that popular representation existed in Scotland more than a hundred years before it occurred to King John to attempt to summon the knights of the English shires into the great council of the kingdom, and nearly two centuries before burgesses and knights come to the 'Model Parliament' of

Edward I. There are some details on which the patriotic Scottish constitutionalist may reflect with pride; but the theory, as a whole, is untenable, nor is there any good ground for believing that the Great Council was, in the twelfth century, in any way different from what we find it when it emerges from the struggle with England. When Robert Bruce summoned the national assembly together after the victory of Bannockburn it was simply a feudal council, composed, like the councils of Norman and Angevin Kings of England, of tenants-in-chief of the Crown. The brain that had saved Scotland on that ever-memorable summer day in 1314 gave to Scotland her first representative assembly. In 1326 King Robert summoned to meet him at Cambuskenneth a Parliament which was to settle the pecuniary relationships of King and people, and to it he called not only bishops and nobles, but 'burgesses and all other free tenants of the kingdom.' The Parliament which thus met cannot claim a continuous history throughout the fourteenth century, but its constitution is characteristic of the normal meetings of the estates of Scotland throughout the remainder of the mediæval period. That constitution is not analogous to the constitution of the three estates of England, meeting in the two Houses of Parliament as they have met from the days of Edward III. to those of Edward VII. The difference involves some technical discussion, but it is essential if we are to understand the place which the Parliament holds in our national history.

The Parliament of England from the reign of

the third Edward consisted of the two Houses with which we are familiar to-day, and all the members of the Lower House were elected representatives either of shire or of burgh. The Scottish Parliament, on the contrary, met in a single Chamber, and for many years scarcely any of its members were in the strict sense representative at all. The Lords Spiritual—bishops, abbots, and priors—and the Lords Temporal attended its meetings, not, as in England, because they had each received a writ of special summons from the King, but because they were landowners. The King in creating an Earldom did not simply confer the title upon the new-made Peer. He created his lands into an Earldom; the honours might go to the husband of an heiress or to the purchaser of the lands. The 'smaller barons,' who roughly corresponded to the English knights of the shire, based their right to attend on precisely the same claim as that of the belted Earl—the possession of freehold land. But the smaller freeholders found it inconvenient to appear in Parliament, and on his return from his English captivity King James I. passed an Act exempting them from this duty, on condition of their sending two representatives from each shire, except Clackmannan and Kinross, which, owing to their small size, were permitted to send one each. This was a very different thing from the English system of county representation. The English voters had no right to be present in Parliament, and the franchise had been until just about this time possessed by all the freemen of the shire. King James did not propose to confer any such

privilege upon the people of Scotland. The Commissioners of the shire were merely to save their constituents the trouble of the personal attendance that they had found to be so burdensome a right. But his Act of 1427 was never operative, and it was soon completely forgotten. The smaller barons continued to be regarded as bound to attend; they were occasionally punished for non-attendance, and they welcomed, from time to time, measures which, while relieving them from a burden, also deprived them of a privilege. When the moment of a great national crisis arrived they realised their error, and at the Reformation Parliament of 1560 they had to prove their claim to vote. For a quarter of a century their position continued to be more or less uncertain; it was finally decided by an Act of 1587, which gave the freeholders of each shire (under the rank of lords) who held a certain quantity of land directly from the Crown, the right of electing two representatives in all subsequent Parliaments. This Act profoundly modified the theory of the constitution. In the first place, it abolished the right of the smaller freeholders to attend in person; and, in the second, it converted that right, as it remained to the great barons, into something very like the essentials of a peerage in the English sense. We have still to speak of the burgesses, whose earliest presence in Parliament we have noticed in 1326, but we cannot prove their regular presence as an essential feature of a Parliament, till the latter half of the fifteenth century. The conditions of their election—or whether there was, at first, any

election at all—must remain a matter of doubt, for little evidence is available. It is more important to insist here upon the fact that whatever right the burghs possessed belonged only to royal burghs—another indication of the fact that the mediæval Scottish Parliament never got rid of the idea of tenancy-in-chief as the basis of its existence. The earliest burghs whose representation we can trace are Aberdeen, Dundee, Montrose, Linlithgow, Perth, Edinburgh, and Haddington in the end of the fourteenth century. The number was largely increased in the fifteenth century, especially by the growth of industries on the East Coast; Glasgow does not appear till 1560; Inveraray not until 1661, when Argyll's head was in danger. Doubtless the burgesses were, like the small freeholders, far from ambitious of Parliamentary distinction, and there is a complaint on record that not only did they not appear, but they wouldn't even promise to appear. But, as we shall see, there are other reasons which may explain the small part they played. Meanwhile, we must refer to one peculiar characteristic of the membership of the Scots Parliament. The great officers of State were *ex officio* members, with full voting powers, and the eldest sons of the great lords had the right of being present, though they might neither speak nor vote.

The powerlessness of the lower barons and the freeholders was partly the consequence, but partly also the cause, of their unwillingness to attend the meetings of the Estates. Early in Scottish Parliamentary history we find the adoption of a method

of procedure which was fatal to constitutional progress—the delegation of the powers of Parliament to a Committee which was known as the Lords of the Articles. This device for superseding the Estates of the realm was first employed in 1367, under a weak king (David II.), and just at the moment when burgesses began to attend Parliament with some regularity. It continued to be employed on every occasion on which burgesses were present, and, so far as we know, only when burgesses were present, and burgesses were usually excluded from the Committee. Under the strong rule of James I., who had no reason to expect opposition from the common people, the Lords of the Articles disappeared, and the burgess element took its share in legislation. These examples are characteristic of the two following reigns. If the burgesses attended Parliament when one faction or another of the nobles was in power, in the minority of James II. or James III., a Committee of Lords of the Articles was appointed, from which the burgesses were excluded; when the Crown was strong, burgesses attended Parliament and there was no such Committee. It is scarcely possible to resist the inference that the Lords of the Articles originated in an attempt to suppress the burgess element in Parliament, and, unlike their English fellows, the Scottish burgesses had no knights of the shire with whom to combine in the struggle for political power. Finally, before the end of the minority of James III. the 'Lords of the Articles' became the permanent and normal method of Parliamentary procedure. Under a strong king

like James V. this great Committee was a tool of the Crown; during minorities it was, as before, a weapon in the hands of the ruling faction. After the accession of James VI. to the English Crown, during the first thirteen years of the reign of Charles I., and, again, from the Restoration to the Revolution, the Scottish Parliament was a mere instrument for registering the royal decrees. It met in its full membership only on the first day of the session, to elect Lords of the Articles in accordance with the royal wishes, and, on the last day of the session, to confirm all that the Lords of the Articles had done. The reforming party were well aware that in the existence of this Committee lay the key of the situation. The Revolutionary Parliament of 1640 enacted that the Lords of the Articles should be chosen freely in the whole Parliament, and should include an equal number from each estate; but in 1663 Charles II. ordered a return to a clever device of James VI. by which royal control was assured. The temporal Lords first selected representatives of the bishops. Admirable and pious men as many of these were, they were, by virtue of their office, staunch supporters of the monarchy, and the opposition Lords could find none who would oppose the king. The representatives of the bishops then chose representatives of the temporal peers like-minded with themselves, and these two bodies of representatives selected members from the ranks of the burgesses and of the Commissioners of the shires, who, after 1587, had, as we have said, a regular place in Parliament. It was a pretty scheme, and it worked

well both before the great rebellion and after the Restoration. But the Revolution Parliament of 1690 swept away the whole machinery, and, for the last seventeen years of its life, the Parliament was free.

We pass to the influence which the Scottish Parliament exerted upon the nation. The forces which deprived it of the power exercised alike in the fourteenth and fifteenth and in the seventeenth centuries by the Estates of England have already been indicated. The absence, during the mediæval period, of a class of country gentlemen with whom the burgesses might combine, and the existence of the Lords of the Articles, are sufficient explanation of the fact that, at scarcely any period before the Revolution of 1689, was the Scottish Parliament as powerful as was the English House of Commons under the Tudor despotism. Even under the House of York the English Commons remembered 'the liberty, old policy, and laws of this realm, whereof every Englishman is inherited'; and in the reign of Henry VIII. men were still conscious that the King's power consisted in a delegation from the people—a principle which, though it held a much less important place in sixteenth than in fifteenth century thought, yet survived in men's minds till the seventeenth, and became the watch-word of the struggle with the Stuarts. Scotland, on the other hand, had never, during the Middle Ages, evolved any constitutional theory whatsoever. There was no doctrine of popular control; but, equally, there was no doctrine of royal despotism. The Parliament had been the mere

instrument of registering the will of a strong king or of a governing clique of nobles. It had no victories to record; but it also had no defeats. Its records threw no light on the question to whom the power really belonged; they were compatible with a theory of absolutism, and compatible with a theory of Parliamentary right. This situation was not without its advantages. George Buchanan, in his attempt to provide Scotland with a popular constitutional theory, was unhampered by facts; and, as we shall see, the first Revolution Parliaments were equally unhampered in their assumption of all the rights for which the English Commons had fought. But the absence of a constitutional theory was a weakness throughout the greater period of the life of Parliament; and but for lessons learned from the Presbyterian Church Courts, and from association with England, this weakness might have continued to the end. For the Parliament had little or no part in the education of the nation. Up to the Reformation, its political influence was scarcely perceptible, although wise kings and good lawyers made it a useful instrument for police measures and for the regulation of commerce. Almost the only legacy which the mediæval Parliament has left us is the judicial system. Alone among European countries, Scotland still possesses a judicature which is the direct descendant of a Committee of the Estates. The College of Justice, which in its present form was established in the year 1540, ultimately derives its powers from a Committee of Parliament appointed in 1370, and the basis of the legal system which it

administers is in some sense the product of the wisdom of the Estates.

Even in the crises of the Reformation and the Covenants it cannot be said that the Parliament led the country. We do find, in the records of the year 1560 a new consciousness of power among the burgesses and the smaller barons. But the Parliamentary support of the Protestant faith is infinitely less important than the attitude of the Church. The whole battle centred round the new creed embodied in the Confession of Faith, and this comprehensive document was prepared by Knox and his colleagues and adopted *en bloc* by the Estates. Gradually, after the fall of Mary Stuart, and during the minority of her son, the Church came to possess the effective power of the kingdom. With the claims of Andrew Melville it is not always easy to sympathise to-day; but there is at least this to be said for them, that in the Church Courts—Kirk-Session, Classical Presbytery, Provincial Synod, and General Assembly alike—Scotsmen first learned the value of debate and the responsibilities of power. When King James grew to manhood he devoted himself to a long struggle with this formidable rival to the monarchy, and, even before the momentous year 1603 the Crown had begun to gain ground against the Church. After his accession to the throne of his mother's murderess James was able to say: 'Here I sit and govern Scotland with my pen. I write and it is done, and by a clerk of the Council I govern Scotland now, which others could not do by the sword.' Where the General Assembly was com-

pelled, sullenly and reluctantly, to acquiesce, the Parliament was not likely to show fight, and, when the strife re-commenced, in 1638, the Assembly, not the Parliament, was the protagonist. But during these years of conflict from the Trot of Turriff to the battle of Dunbar, the Scots Parliament was learning its lesson, and was gradually elaborating a theory of its powers. The promise thus given was not immediately fulfilled. Cromwell, like James I. and Charles II., was able to govern Scotland (perhaps not solely with a pen), and the short-lived Cromwellian Union put an end for a time to the very name of Scottish political and judicial institutions. Charles II. restored the Constitution as it had existed in the days of his grandfather, and the Parliament was entirely at his disposal. When the English Commons were discussing the Exclusion Bill the Scottish Estates resolved that the succession could not be altered without involving the subjects in perjury and rebellion. When the King died the Parliament of Scotland assured James II. that 'the death of that our excellent monarch is lamented by us to all the degrees of grief that are consistent with our great joy for the succession of your sacred Majesty.' In the struggle with James II. the Scottish Parliament had neither part nor lot. But when the victory was won by other hands, the Estates claimed a full share of the spoils. They had not forgotten their own ten years of activity between 1640 and 1650; they were familiar with the claims of the General Assembly; and, most of all, they had learned much from the English Commons. The effect is

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seen in a revolutionary statement more violent than the Bill of Rights, and in the absence of any delicate adjustment of conflicting theories, such as that by which it was asserted that King James had virtually abdicated. The King had been guilty of a long list of crimes, and he had forfeited the throne. The Parliament had come into its own. No Clerk could suffice now for the management of Scottish affairs; no hectoring letters could reduce the Privy Council and the Parliament to trembling submission. The Estates had the control of domestic affairs, and they claimed the control of foreign policy as well. There were, of course, not a few disputes with William ~~III.~~^{II}, and not a few interventions which provoked the indignant rhetoric of Fletcher of Saltoun, and the constitutional theories of Ridpath. When William died it was necessary to provide for a successor to the childless Anne, and there seemed to be an opportunity of realising the new-born, but none the less high, ambitions of the Scottish Parliament. We are not here concerned with the story of the Union of the kingdoms or with the political exigencies of the Protestant succession which dictated its actual form. But we wish to point out that these new claims, and especially the claim to decide foreign policy, had rendered some form of union a constitutional necessity (although a federal union would have sufficed). Thus the period of activity of the Scottish Parliament was not only late of development; its development contained the seeds of its own destruction, and in this lies the tragedy of its history.

II

'THE END OF AN AULD SANG'

By ANDREW LANG

IN April, 1706, the Commissioners of England and Scotland met at Westminster to settle the terms of the Treaty of Union. For Scotland the Queen did not choose the inveterate trimmer, the Duke of Hamilton; and Argyll, perhaps because Hamilton was excluded, declined to serve. His brother Archibald, later Earl of Islay, was on the Board. We note the important name of Queensberry, and the disastrous name of Mar, the imbecile Jacobite leader of 1715. Cockburn of Ormiston represents the old pro-English faction of Knox's time; Edinburgh and Glasgow are represented by a Provost and ex-Provost; there are only two Celts, both of them Campbells (unless we include Grant of Grant), in the list; Clerk, younger, of Penicuik, stands for finance; and Lockhart of Carnwath, who never speaks or votes in the discussions, watches all in the interests of the Cavaliers. Before they crossed the Border the Scottish negotiators had received private information that England would be satisfied with nothing less than

'an incorporating Union.' The Duke of Portland and the luckless Earl of Mar had impressed this fact on 'Cardinal' Carstares, the most astute diplomatist that ever wagged his pow in a pulpit. 'What we are to treat is not our choice,' wrote Mar. Both parties were determined to avoid, if possible, all mention of Church government; and the Lord-Advocate was ordered to keep down movements of certain Presbyteries against Episcopalian ministers. By April 25 the Scots admitted the incorporating Union, Lockhart exclaiming against 'the barefaced indignity to the Scottish nation,' and obtained reciprocity of trade.

It is impossible here to go into details of the incidence of taxation, complicated by the difference in weights and measures, and in modes of life. One thing was clear; Scottish contributions to the revenue of the United Kingdom would go, in part, to pay the National Debt of England. Of this debt Scotland did not owe a plack; the boon was not conferred on England by her native Kings. Scotland was, therefore, to receive a pecuniary equivalent; the English, on May 10, the most anxious day of the deliberations, accepted the principle of the equivalent. Among the Scots who dealt with the commercial metaphysics involved were Clerk of Penicuik; Paterson, of the Darien project, and Professor Gregory, who, in 1691, had left Edinburgh for the more liberal atmosphere of Oxford. The English, having accepted the principle of the equivalent, insisted on equality of taxation in both countries. The Scots secured a respite as regarded taxation of windows, coal,

malt, and salt; the affair of the malt tax later caused great discontent and distressing riots at Glasgow, but these events did not occur till 1725. England in 1706 was enduring many eccentric and burdensome war taxes, including imposts on cabs, windows, births, and deaths; these at least were relaxed in Scotland. On May 29 the Scots raised the question of their law and judicature, which were not altered at the moment, but were to be 'alterable by the Parliament of Great Britain' when once it came into existence. The hereditary jurisdictions, the strength of Jacobitism, were not altered, or, rather, abolished, even after the rising of 1715; they survived till after that of 1746. The most patriotic Scots, if not attached to the White Rose, may regret that the ancient feudal superiorities by which a chief could force out his men to fight for the rightful cause were not got rid of at the Union. The English Courts were to have no right to quash the decisions of Scottish Courts, which would have left Scotland with no final Court of Appeal, when, by the Treaty of Union, she had no separate Parliament. The case of the Rev. Mr. Greenshields, an Episcopal minister, who had abjured King James, and taken the oaths to Queen Anne led, a few years later, to the overriding of a decision of the Court of Session by the British House of Lords. The Presbytery of Edinburgh had handed Greenshields, who used the English Prayer-book, over to the secular arm, the Magistrates. They imprisoned him, the Court of Session confirmed their decision, and the British House of Lords, moved by the Cavalier Scottish members of

the British Parliament, overrode the Court of Session and liberated Mr. Greenshields. This affair (1710-1711) increased the Presbyterian dislike of the Union, and introduced the thin end of the wedge of religious toleration. This example illustrates the real difficulty in the point of legislation. The vast majority of the Scots might yearn to lock up every Episcopalian minister who used the Prayer-book; but the popular will was thwarted by the British Parliament, in which the Scots could not have a majority. The idea of the Unionists was that the British Parliament would legislate—not in the interests of Scotland, not in the interests of England—but in those of Britain. But how could any Scot of 1706-1707 believe that, while in the British Parliament English members were to be in a vast majority and the Scottish members were divided among themselves?

It is a marvel that the barque of the Union was ever tided over this so perilous reef. The Scottish representatives were to be but forty-five, with sixteen Peers, elected by their own Estate. It was natural, it was inevitable, that this arrangement should seem dangerous and distasteful—but the alternative was the prospect of war, the ruin of trade, and the probable collapse of Presbyterianism. In war with England, Scotland, if united, could hold her own. The clans, at any time, given a Montrose, a Dundee, or a Prince Charles, could sweep the English regular forces out of the country; easy, indeed, would have been their task when backed by the organised Society men, the mounted gentry, and the forces of France.

But war, however glorious, meant the restoration of 'a Popish Pretender,' and the country would submit to anything, however harsh, than to that. Religion made the Union inevitable. The old Darien grievance was compromised by the buying out of holders of Darien stock, with interest at five per cent., and the equivalent, out of which the money came, was fixed at £400,000 (in round numbers), and the residue was to be expended in the encouragement of fisheries and manufactures.

On July 23 the Commissioners handed a copy of the Treaty, in twenty-five articles, to Queen Anne. Her Majesty was not clever, but she did her best to understand, and personally worked hard, though in bad health, for a peaceful settlement.

Early in October the Scottish Parliament met, with Queensberry as Commissioner and Mar as secretary, to consider the terms. De Foe, who was in Edinburgh as Harley's agent, describes the opposition. The Jacobites, since 1705, had been feebly negotiating with France. They were disunited; they neither trusted France nor each other; nor Hamilton, who was suspected of aiming at the Crown for himself, as for centuries the chiefs of his clan had done. No Episcopalian Peer if not a Jacobite, could welcome a Union which fixed the Presbyterian yoke on his neck. The Union was not less suspected by the left wing of the kirk, and by the Cameronians, while the patriots, with Fletcher of Saltoun, were full of schemes for federation, which England would never accept. The peers, by a considerable majority, were for the Union, the mob were, above all things, patriotic.

Pamphlets against the Union flew about, De Foe busily writing replies. But the large majority—sixty-four—in favour of reading the Articles of Union knew how votes were to go. De Foe spoke of the opposition preachers as 'the wisest weak men, the falsest honest men, and the steadiest unsettled people I ever met.' 'The rascal multitude' of Edinburgh, in October and November, cheered Hamilton, the leader of the Anti-Unionists, and broke windows, but Argyll brought in Regular troops, and 'rode down the terrified bands of the Bow' at the head of the Guard; Leven garrisoned the 'ports' of the town; and small as was the regular force at the command of Queensberry, it crushed the civic rabble. The Privy Council was assailed in the House for bringing the soldiers 'into the city' (hesitation on this point later enabled the mob to hang Porteous), but a majority of fifty-six supported the Government.

Meanwhile petitions hostile to the Union were presented from a few burghs and counties. These had no effect, and, on November 4, the First Article was read, Seton of Pitmidden supporting it in a statesmanlike speech. Then up rose Lord Belhaven, a Whig since 1688, but a man who had been embittered against England by the failure of the Darien project. Oratory does not affect votes, but Belhaven did his best. He spoke in what he believed to be the manner of Demosthenes, in a carefully-prepared piece of rhetoric, leaving Seton's arguments unnoticed. Belhaven spoke in a prophetic tone; 'I think I see the Kirk descending from her rock and fighting on the plain with Jews,

Papists, Socinians, Arminians, and Anabaptists.' He foresaw porridge not salted with salt; he foresaw Scotland unable to afford 'tippenny' ale and drinking water; he denounced the parricides of Caledonia, and proposed to sew them up in sacks, with cocks, vipers, and apes, and throw them into the sea. He fell on his knees and appealed to Queensberry, who sat silent and smiling. Out of doors his speech, when printed and circulated, was much admired; but the House, not destitute of humour, merely laughed, and voted for the First Article.

On November 8 a petition was sent in from a majority of the Commissioners of the General Assembly, objecting to certain oaths and to union with a prelatie country. An Act of Security for the Kirk was passed, and a clause binding each monarch to her maintenance was inserted in the Coronation oath; the Kirk was not united, and was not resolute, and the lay members were Unionists, while the influence of Carstares was in favour of peace. Nevertheless, says De Foe (November 16), 'the threatenings of the Church party are very high and plain'; he probably speaks of the left wing of the preachers, the 'High Flyers.'

In November and December occurred the attempts at a coalition between the clans of the north-east, Perthshire and the Mearns, and the discontented Presbyterians of the west and south-west. It is certain (as I shall shew) that the Cavaliers were negotiating, or believed themselves to be negotiating, for a combination of clans

and Presbyterians to break up the Parliament. Probably each of these naturally hostile bodies was trying to secure the assistance of the other, without committing itself to the principles of the other. Many armed Highlanders did convene in Edinburgh, but Queensberry's agents, and his hold over Hamilton (about whom he knew enough to send him to the block), made it as necessary as it was undesirable to mass English troops on the Border, and the armed attack on Parliament died a slow, natural death, after causing a panic among nervous Unionists.

Another device by Fletcher of Saltoun, Atholl, and Hamilton for a large meeting of barons, freeholders, and heritors to protest in Edinburgh was snuffed out by Queensberry through his knowledge of Hamilton's intrigues with France and King James. Hamilton again tried to muster courage to oppose Article XXII. (as to the proportion of Scottish members in the British Parliament); his party should protest and leave the House, and, in the last resort, 'call over King James.' The moment came, and found Hamilton incapacitated by toothache! He had heard a private word from Queensberry, and quailed. Thus, thrice deserted by Hamilton, the Cavaliers 'did every one that which was good in his own eyes'; the Treaty of Union was passed, and, on January 16, 1707, was touched with the sceptre. In the English Parliament the treaty was rapidly passed, and received the Queen's assent on March 4. Here was 'the end of an auld sang.' The nature of things had prevailed; in the five days 'the Union grew up

between all extremes as a consequence, and it was merely formed by the nature of things rather than by the designs of the parties.' There was no alternative but a way which was quite hopeless, because the many groups of opponents to the Union were even more hostile to each other—on the points of religion and of dynasty—than hostile to the Union. In 1745 the Union was as unpopular as ever; but hatred of the Union did not bring one Whig, and scarcely more than one Presbyterian, a Cameron, to the standard of Prince Charles.

III

THE COUNTRY PARTY AND THE ACT OF SECURITY

By PROFESSOR JAMES MACKINNON

It would be difficult to overrate the importance of the Act of Security in the heated controversy that preceded the final negotiations for the Union of England and Scotland. It not only gave decisive expression to the national resentment which a century of regal union had accumulated in Scotland. It forced the English Parliament to face the question of Scottish grievances, and with it the further question of a readjustment of the terms of partnership, on which the redress of these grievances depended. It was an ultimatum rather than an Act of Parliament, and but for it there would have been neither a Union Commission in 1706, nor the Union itself in 1707.

It was the retort of the Country party to the failure of the Commission of 1702-03 to arrive at an agreement on the points at issue between the two nations. These were of a threefold character—commercial, political, ecclesiastical. The Scots felt aggrieved at the restrictions placed on their

commerce by the English Navigation Act of 1661, and by the opposition of the English to the commercial expansion of Scotland, as evidenced by their hostile attitude towards the Scottish African Company and the unfortunate Darien scheme. They resented, further, the subordinate position to which Scotland was reduced by the regal union as a mere satellite of England, and which not only deprived it of its old prestige in the eyes of the nations, but involved it in English wars, and exposed it to English interference in its internal government. And though the Revolution had remedied their ecclesiastical grievances, they regarded the English Occasional Conformity Bill as a covert attack on the Presbyterian Church of Scotland.

It was the operation of these grievances that swelled the ranks of the Country party during the elections to the new Parliament that met at Edinburgh on May 6, 1703. The Country party might be described as the 'nationalist' party of the period. It championed the rights of Scotland as against the Government, or Court party, which it accused of subservience to English influence, and whose popularity had suffered greatly over the Darien episode. It was not, in principle, hostile to a union with England. But it was the sworn foe of that form of union which, since 1603, had not only deprived Scotland of its King and its former status as an independent State, but had subordinated its interests to those of England, and had not prevented it, though owning allegiance to the same King, from being treated commercially

by the English Parliament as a foreign country. It was determined to secure both free trade with England and real autonomy in the government of Scotland. Its strength lay in the fact that, through the concurrence of events, it represented the nation rather than a party, for the Darien disaster had dulled, for the time being, the acrimony of ecclesiastical contention and rallied many Episcopalians, as well as most Presbyterians, under its nationalist banner. The Jacobites had, indeed, a policy of their own which contemplated not merely a revision of the regal union, but the overthrow of the Revolution settlement. They were, however, strong patriots, if wrong-headed politicians; and if their ulterior aims did not commend themselves to the Countrymen, they were ready to accept their co-operation in the vindication of Scottish rights.

Of the ability of the leader of the Country-party, the Duke of Hamilton, the Jacobite Lockhart speaks in very flattering terms. 'Never was a man so well qualified to be the head of a party, for he could, with the greatest dexterity, apply himself to sift through the inclinations of different parties, and so cunningly manage them that he gained some of all to his.' The Duke was not only an adept in Parliamentary manœuvring; he was, according to the same authority, an impressive speaker. 'He had so nervous, majestic, and pathetic a method of speaking, and applying what he spoke, that it was always valued and regarded.' He could, too, count on the support of powerful debaters like Fletcher of Saltoun, who had ideas of

his own, as well as eloquence to enforce them; and Lord Belhaven, one of the most passionate of orators. To the Marquess of Tweeddale he owed the assistance of a tactician so able that he was destined to become the head of a new party—the Squadrone, as it was called—whose influence ultimately turned the scale, at a critical juncture, in favour of the Union.

As against such leaders and the large and patriotic majority that followed them, the Court party, under the leadership of Queensberry, the Royal Commissioner; Seafeld, the Chancellor; Athole, Lord Privy Seal; and Cromartie, Secretary of State, had no alternative, but ultimately to capitulate. Queensberry was as able as Hamilton. But he had incurred the bitter hostility of at least three-fourths of the nation by his attitude over the Darien controversy, and though he was an adept in Parliamentary intrigue and exerted himself to break the alliance between the Countrymen and the Jacobites, his tactical ability was discounted by the fact that he was the head of a Government and a party which had forfeited the confidence of the nation. His policy, as outlined in the royal letter to Parliament, was to submit some measures for the encouragement of trade, and on the strength of these to filch a supply for the defence of the kingdom, in view of the War of the Spanish Succession. From the Government point of view, supply was the imperative business, and accordingly on May 19 it presented an Act to this effect. The reply of the Countrymen, through the Marquess of Tweeddale, was 'an overture' that

'before all other business Parliament might proceed to make such conditions of government and regulations in the constitution of this kingdom, to take place after the decease of Her Majestie and the heirs of her body, as shall be necessary for the preservation of our religion and liberty.' To religion and liberty, Fletcher added 'trade' in a motion, of date May 26. Queensberry pleaded in vain for precedence for the question of supply, and promised to allot ample time for the consideration of the motion. But what, demanded the Countrymen, if contrary orders should be sent down from London? Was it not a fact that the Lord Treasurer of England was consulted on Scottish affairs, and exercised a controlling influence over the government of Scotland? The Treasurer, insisted Hamilton, is a very worthy person, and may not intend to advise Her Majesty ill; but still Englishmen will consult the interests of their own country before ours.

The Commissioner thereupon endeavoured to evade the motion, as thus enlarged, by an adjournment in the hope that the Jacobites might be won over by certain personal concessions to the side of the Government. The negotiation broke down, and two days later (May 28) he gave way and agreed that the motion for the securing of religion, liberty, and trade should have precedence over the question of supply. The concession proclaimed the impotence of the Government to hold the breach in defiance of the national will and in defence of a policy directed by English Ministers. Scotland must first have indubitable guarantees

on the score of its religion, liberty, and trade before its Parliament would vote a single shilling in obedience to the Royal entreaty.

The House accordingly launched into that memorable and dramatic debate over the Act of Security, of which the motion was the forerunner, and which filled out the summer months of 1703. The preliminary clauses referring to the meeting and powers of the Estates, etc., in the contingency of Her Majesty's death, were agreed to without serious contention. It was over the clause relative to religion, liberty, and trade that the storm burst. This crucial clause, which was moved by the Earl of Roxburgh on July 16, enacted that in the event of the Queen's death, without lawful heirs, 'the successor to be named by the meeting of Estates be not the successor to the Crown of England, unless that in this session of Parliament there be such conditions of government settled and enacted as may secure the honour and independency of the Crown of this kingdom, the freedom, frequency, and the power of the Parliament, and the religion, liberty, and trade of the nation from the English, or any foreign influence.' The clause was a direct threat of separation from England in a given contingency, unless the policy of the Country Party was accepted, not only by the Scottish Government, but by the English Government as well. It was, in fact, intended to turn the screw on the English Parliament and force it to revise the regal union on the lines of the demands of the Countrymen. Whether it would ultimately do so or not, it was evident to the Court Party that

it would rouse against Scotland the resentment of the Queen and the English Government, and must be resisted at all costs. They consequently adopted the method of obstruction, and their obstructive tactics both prolonged the debate to a late hour and stirred the ire of their opponents. Their anger changed to fury when the Commissioner interrupted the heated debate by an adjournment. 'Then there was a great cry and hubbub,' notes the diarist, Hume of Crossrig. Hamilton threatened to sit still and continue the debate, and his followers shouted themselves hoarse, till they thought better of it and adjourned to Patrick Steel's tavern to refresh their jaded energies and consider an address to the Queen.

Obstruction being hopeless, the Government next attempted to substitute for the obnoxious clause another providing that, in the event of the Queen's death, without bodily heirs, the Scots would not accept the English successor as their king, unless England granted free trade to Scotland. The Countrymen refused to waive the political rights of Scotland even for free trade, but, while insisting on retaining their own more comprehensive clause, ultimately agreed, after some days of what our diarist expressively calls 'jangling,' to combine the two with some verbal alterations.

They were equally pertinacious in demanding another, that all heritors and burghs should forthwith arm and exercise, once a month at least, all the fencible men of the kingdom. In view of the war in which England was involved, this clause might well seem a necessary defensive measure

against a French invasion. But in view of the threat of separation it was capable of a more sinister interpretation in English eyes. It looked, indeed, as if the Scots were not only determined, in a certain eventuality, to dissolve the regal union, but to prepare to do so by force, if need be. The clause, therefore, renewed the trepidation of the Government; but, in spite of its obstruction and lengthy debate, it was carried by a large majority. Finally it was agreed to rescind all contrary Acts, and on August 13 the whole measure was twice read over and passed by about sixty votes, 'and many nonliquets.'

To give validity to the Act the touch of the royal sceptre was necessary. Queensberry hesitated. He was, indeed, face to face with a most embarrassing situation. If he should give the royal sanction to so defiant a measure, he would incur the anger of the Queen and the English Government. If he refused, he would exasperate a majority which seemed ready to go to any extremity in its determination to vindicate the rights of Scotland, and with which even a section of the Scottish Government, with whom his relations had become strained, sympathised. Moreover, unless he gave way, there would be no vote of supply, and the army was on the brink of mutiny for lack of its pay. Concession or rebellion seemed the only alternatives. For the present he evaded a decision and referred the question to the Queen and her English advisers, at the same time urging on Godolphin the necessity of compliance.

Pending the Royal reply the Parliament continued to debate, in angry, defiant mood, further motions in vindication of Scottish rights. One of these took the decisive shape of an 'Act anent Peace and War.' Scotland, protested the Countrymen, has been taxed in men and money to support wars undertaken by England without asking the consent of the Scottish Parliament, to the detriment of Scottish prosperity. In this matter she is treated as a mere English province, and they determined that she should be thus victimised no longer. Hence this additional Act, which declared that, after the decease of Her Majesty, no person, being King or Queen of Scotland and England, should have the power of declaring war or making treaties of peace, alliance, and commerce with any foreign State, without the express consent of the Scottish Parliament. Fletcher would fain have gone farther and limited the prerogative in matters of internal government as well, by investing Parliament with most of the powers of the Crown. The Countrymen were not prepared to go this length with the Radical and Republican member for Haddington, and waited impatiently for the announcement of the Royal decision as to the Act of Security.

At length on September 10 Queensberry intimated that he had been empowered to give the Royal assent to all Acts except the Security Act, and added an appeal in the Queen's name for supply. The announcement evoked a tempest of anger and defiance. To the repeated appeals for supply the Countrymen retorted during the

remaining few days of the session by repeated overtures for 'liberty' and repeated cries of 'No subsidy.' They abruptly declared the Union Commission of 1702 to be 'determinate and extinct.' They voted an Act allowing the importation of French wines, the war with France notwithstanding. They assailed the Earl of Marchmont, who ventured on some mitigating remarks, with fierce cries of 'Traitor,' 'To the Bar.' Fletcher even proposed to enact, without further dallying, 'that after the decease of the Queen we will separate our Crown from that of England.' The House, according to Sir John Clerk, appeared more like a Polish Diet than an assembly of staid Scotsmen. The Commissioner tried in vain the expedient of a compromise. If the Countrymen would give the Act for a supply a first reading he would allow them to devote three sittings to the subject of 'liberty' before asking for the second reading. The subterfuge evoked a shout of indignation. 'The import of this proposal,' cried one excited orator, 'is plainly this; to engage us to a supply, and then after amusing us for three sittings with the discussion of overtures for liberty, to snatch a second reading and adjourn the session.' 'It is now plain,' shouted another, 'that the nation is to expect no other return for its expense and toil than to be put to the charge of a subsidy, and to lay down its neck under the yoke of slavery prepared from the throne.' A third declared, in reference to a rumour that the Commissioner intended to resort to military force, that he would venture his life to assert the privileges

of Parliament, for he would rather die a freeman than live a slave. At length the Earl of Roxburgh rose to declare that if they were denied the privilege of a vote they would enforce it with their swords.

Queensberry flinched before this climax of minatory oratory. On the 15th he intimated that 'liberty' should once more have precedence of supply. In reality he had determined to forestall further debate by closing the session. Next day, the 16th, he accordingly touched the Act anent Peace and War with the sceptre, but refused to pass the Security Act, and adjourned Parliament. This makeshift temporarily relieved him of the strain of maintaining a losing cause. It only augmented the exasperation of his opponents. In this exasperation the nation fully shared, and the alliance of the nation with the Countrymen succeeded in forcing, in the course of a new session in the following year, the compliance of both the Government and the Queen with the national will.

IV

THE ACT OF SECURITY AND ITS EFFECTS

By PROFESSOR JAMES MACKINNON

QUEEN ANNE and her English Ministers did not relish the Act of Security. They saw in it an attempt not merely to vindicate the rights of Scotland, but to revive the old Franco-Scottish League and the old hostility to England. Their interpretation of the designs of the Country Party was not correct, though the Jacobites were scheming to turn the international crisis to account in favour of the Pretender. One of these Jacobite plotters, Simon Fraser, succeeded, indeed, in persuading Queensberry that Hamilton and even Athole were deeply implicated in the negotiations for a Jacobite rising, which he had been commissioned to bring about in the Highlands. Hamilton and Athole indignantly rebutted the accusations of the mendacious Simon, who was their personal enemy, and whose object was to ruin their political reputation as well as foment a Jacobite conspiracy. The Duke seems, indeed, to have had Jacobite sympathies, but his action, and that of his followers, in insisting on the Act of Security was not the outcome of

Jacobite intrigues, but of a patriotic determination to force the concession of better terms of partnership with England.

At the opening of the session of 1704 he was, therefore, as insistent as ever. When the Parliament reassembled on July 6, Queensberry was no longer Commissioner. The Queen and her English Ministers had deemed it advisable to substitute the Marquis of Tweeddale, the leader of a moderate section of the Opposition which was henceforth known as the New party, or the Squadrone, and included the Marquis of Montrose, the Earls of Roxburgh, Rothes, Haddington, and Selkirk, Lord Belhaven, Baillie of Jerviswood, Dundas of Arniston, and about a score more of the less unbending of the Countrymen. With their support the English Government hoped to arrive at a compromise on the obnoxious Act. It was willing to recognise certain limitations of the power of the successor to the Scottish Crown if the Scottish Parliament would settle the succession in accordance with the English Act of Settlement. This makeshift eventuated in utter failure. The Countrymen naturally looked on this new-fangled Tweeddale party as renegades who had been wheedled out of their patriotic principles by the blandishments of English Ministers, and stiffened their ranks to resist the insidious attack. Moreover, the loss of strength occasioned by the secession of the New party was more than counter-balanced by the accession of Queensberry's followers who, from personal motives, went over to the Opposition.

It was in vain, therefore, that the royal letter emphasised the necessity of settling the succession in accordance with the English statute, and offered, as an inducement to do so, to recognise all reasonable provisions for securing the sovereignty and liberty of the kingdom. The combined opposition refused to be propitiated by mere vague assurances of English goodwill. The succession question gave Scotland a position of vantage which they were determined not to surrender without the most explicit guarantees of the redress of Scottish grievances, as stipulated in the Act of Security. On July 13 Hamilton accordingly moved 'that Parliament will not proceed to the nomination of a successor until we have had a previous treaty with England, in relation to our commerce, and other concerns, with that nation.' He professed appreciation of the conciliatory tone of the Queen's letter; but no policy could be acceptable to Scotland that did not satisfy its reasonable demands on the lines of the motion. The resolute tone both of the motion and of the speech conclusively showed the hopelessness of compromise on this vital question. Chancellor Seafield said something about withdrawing the ominous motion. 'Withdraw!' cried Hamilton; 'I will not withdraw, but will have a discussion and the sense of Parliament on't.'

On the 17th the Government strove to substitute a counter motion on the lines of the royal letter, but the Opposition, while ultimately agreeing to combine the two, insisted on giving priority of consideration to the first. In accordance with the

first clause of the combined motion, Fletcher proposed on the 21st to appoint Commissioners to negotiate a Commercial Treaty. From the Government point of view, however, an even more important question than that of a treaty was the question of Supply. With a great Continental war raging, and a mutinous army clamouring for its pay, an immediate grant might well appear the first of patriotic duties. The Opposition admitted the duty, and gave an Act for a six months' Supply a first reading. But Hamilton had not forgotten the Act of Security of the previous session, and now saw his chance of forcing the Royal Assent to it. He proposed to 'tack' the Act, minus the clause referring to trade, which was already covered by the motion for a treaty, to the bill for Supply. By this decree Her Majesty must either pass the Act or waive the grant. Tweeddale had thus reached, as the result of a fortnight's splenetic debate, the *impasse* that had faced Queensberry at the end of a three months' struggle in the previous session. He, too, was fain to urge compliance on the English Government, and, in view of the situation on the Continent, Godolphin had no alternative but to give way. The army in Scotland must be disbanded if Supply was not immediately forthcoming. It did not exceed 3000 men, but to disband these 3000 men would be to risk open rebellion. Marlborough was on the eve of fighting one of his greatest battles, and a French victory might inflame the hopes of the Scottish Jacobites, and pave the way for a French invasion of Scotland. Had the news of the great triumph

at Blenheim arrived a month earlier, Godolphin might have preserved his equanimity and answered threat with threat. Marlborough and Eugene had not yet crushed the Elector and Marshal Tallard, and the Lord Treasurer was reluctantly forced to acquiesce. The Queen sent down her mandate to pass the objectionable Act of Security, and it was accordingly touched with the royal sceptre on August 5, 1704, and a Supply voted unanimously.

The Act of Security made a tremendous impression on the English people. It was interpreted as a threat of war, and the clause respecting the arming of the Militia seemed to suggest a determination on the part of the Scots to resort to the decision of the sword unless Scottish grievances were ultimately redressed by negotiation. The clause was, indeed, as Marchmont pointed out in a letter to Somers, capable of a less sinister interpretation. The equipment of the national Militia was indispensable, even in the interest of England, in view of the threat of a French invasion and the ever-present danger of a Jacobite rising in Scotland. Englishmen were too angry or too nervous to appreciate constitutional expedients of the nature of the Act of Security. Three months after the adjournment of the Scottish Parliament in August, 1704, the Lords and Commons accordingly met at Westminster in a very retaliatory mood. Even the Whigs, who favoured the policy of a revision of the regal union, were shocked by the minatory terms of the obnoxious Act, which not only seemed to portend a rupture between the two nations, but threatened their party interests. The Tory

opponents of Godolphin, Harley, Somers, and Devonshire saw in it an expedient for discrediting the Government as well as an insult to England, and mingled with their denunciations of the rebellious Scots accusations of the inefficiency of the Lord-Treasurer and his colleagues. The Whigs were, therefore, driven by party as well as national considerations to deal with the emergency in decisive fashion. They determined to retaliate by a counter ultimatum in the form of an English Act of Security. The Scots had succeeded in bringing the pressure of Scottish national feeling to bear on England, and the Whigs were resolved to retort by bringing the pressure of English national feeling to bear on Scotland. On December 7 they accordingly initiated in the Lords a discussion of the measures best fitted 'to prevent the inconveniences which might happen by the late Acts passed in Scotland.' Their resolution they embodied in a bill, and on December 20 sent it to the Commons. The Commons had not waited for the initiative of the Upper House, and had even debated an audacious motion to censure the proceedings of the Scottish Parliament! They, indeed, rejected the Lords' Bill on the ground that it directed the imposition of certain money penalties in case of the contravention of some of its provisions, and thus seemed to infringe what they regarded as their exclusive legislative rights. But their anti-Scottish animus found vent in a bill of their own, which increased the stringency of trade restrictions and added a proviso debarring the Commissioners to

be appointed to treat with those of Scotland from discussing any alteration of the worship or government of the Church of Scotland. Such a jar between the two Houses would, in ordinary circumstances, have led to a deadlock. But English national feeling was too poignant for the Lords to risk a conflict on the questions of rights and privileges, and in view of an approaching General Election the Whig majority of the Upper House gave way. On February 5, 1705, the 'Act for the effectual securing the Kingdom of England from the apparent dangers that might arise from several Acts lately passed in the Parliament of Scotland' became law. It was not to come into operation, however, till December 25, in order to allow the Scots time either to agree to a treaty for 'an entire and compleat union,' or to repeal their own obnoxious Act.

The alternative was by no means a welcome one to the Country party. That party had, indeed, been insisting for some years on a revision of the regal union by means of a treaty. But 'an entire and compleat union' meant for the English Whigs an incorporating union, and the Countrymen were not prepared to go farther than a federal union on Free Trade principles. If, on the other hand, they held out against incorporation, they could only ward off the threat of English hostility by repealing their own Act and settling the succession to the satisfaction of the English Government, and this again meant the surrender of the position of vantage in which they had hitherto entrenched themselves. Great, therefore, was their irritation

at the Whig tactics that had so cleverly turned the tables on them and laid the responsibility of risking an armed conflict at their door. These tactics might be clever as a means of strengthening the Whig party in England. They were not very generous, for it could not be gainsaid that Scotland had ample reason, in the grievances accruing from the Union of the Crowns, to demand in decisive terms more equitable treatment than it had hitherto received from the predominant partner. On the other hand, it must be admitted that, from the political, if not from the judicial point of view, the Countrymen could hardly expect any other result from the Act of Security. They had chosen to present an ultimatum to England, and it was open to England to retort in similar terms. From both the party and the national points of view the English Whigs really could not afford to put on sackcloth for the English nation and confess the sins of England against Scotland to please a Scottish political party.

On the attitude of the Scottish Parliament towards the Whig ultimatum depended great issues for both nations. If it would agree neither to treat for an entire and complete union, nor repeal the Act of Security, war was almost certain. 'I am thoroughly convinced,' warned Roxburgh from London, 'that if we do not go into the succession, or a union very soon, conquest will certainly be upon the first peace.' War, indeed, seemed only the contingency of a few months, for the bellicose temper of the Scots so far got the better of their discretion as to hurry them into a vindictive act

which strained the relations of the two peoples almost to breaking point. The agents of the African Company seized the crew of an English vessel in the Forth, and the Court of Admiralty found its members guilty of piracy against a Scottish vessel in the Southern Seas on evidence which only the embittered national rancour of the hour could have twisted into a proof of guilt. Despite the flimsy character of this evidence, the captain and two of the crew were executed on Leith Sands on April 11, 1705. The fate of these unfortunate men, who really suffered for the crime of being Englishmen, intensified the animosity of the two peoples, and the wonder is that they did not immediately come to blows.

Happily, there were statesmen who kept their heads in the midst of the surging nationalism on both sides of the Border. The choice of the Duke of Argyll as Commissioner to the Parliament that met for its third session in the end of June, 1705, showed that the Whigs were bent on giving the policy of conciliation a chance even at the eleventh hour. Argyll was not only a capable politician. He possessed great influence with the Presbyterians, and he succeeded in substituting for the unpopular Tweeddale Administration a strong Government, which included the Earls of Annandale, Glasgow, and Loudon, as well as Seafield, Cromartie, and ultimately Queensberry. By this tactful combination and by dint of skilful manœuvring he ultimately secured a narrow majority in favour of complying with the Whig ultimatum of a negotiation for a treaty. He was

wise enough not to rush matters. He allowed the House to debate for fully a fortnight various proposals referring to finance and trade before challenging a decision on the crucial questions at issue between the two nations. He made use of the interval to strengthen the Government ranks, and his patience and astuteness were amply justified by the sequel; when, on July 20, Hamilton challenged a decision on the question of settling the limitations to be imposed on the successor to the Crown, in preference to the proposal to enter into negotiations for a treaty, he only carried his motion by a majority of four. The discussion of these limitations, which included triennial Parliaments, the control of all State patronage by the Estates, and the appointment of Scottish Ambassadors to promote Scottish interests in all treaty negotiations with foreign States, consumed fully another month, when the Earl of Mar brought forward a motion for a treaty. The Country party could hardly oppose such a motion, since it had, with ever greater insistence, demanded a negotiation for better terms of Union during the previous two years. But it had no liking for the Whig project of a complete Union, and now strove to safeguard Scottish nationality by stipulating that the treaty to be negotiated should not derogate from 'the fundamental laws and the ancient rights and liberties of the kingdom.' On August 31 the Duke of Hamilton accordingly moved a clause to this effect. Its adoption would have been equivalent to the rejection of the Whig proposal of an incorporating Union, and the Government exerted

itself to obviate this fatal result. Argyll's policy of judicious forbearance was at last rewarded by a majority of two for the Government.

There remained the question of the selection of the Scottish Commissioners. Should the nomination lie with the Parliament or with the Queen? This point was hardly less vital than the preceding one. If the nomination was entrusted to the Parliament and the Opposition should succeed in appointing Commissioners who were hostile to an incorporating Union, the absence of restrictions would be of little moment. Once more, therefore, there was a fierce struggle between the contending parties, and once more Argyll triumphed. He set the Earl of Mar to work to cultivate the Duke of Hamilton, who was eager to be appointed one of the Scottish Commissioners, and Mar exerted his diplomatic powers with such effect that the Duke himself astonished his followers by rising on September 1 to propose that the nomination be entrusted to Her Majesty! A scene of intense excitement followed. Over a dozen of his adherents left the House in towering indignation, swearing that they had been basely betrayed. Those who remained, with Fletcher in the van, strove in vain to disarm this piece of strategy by shouting the Duke's former arguments against the proposal in his face. The surprise and the exodus together gave the Government an easy triumph.

The only bar to a successful termination of the international friction of the previous twelve months lay in the English Alien Act, without whose repeal both parties in the Scottish Parliament refused to

empower their Commissioners to act. Fortunately for both nations, Harley's repeal motion met with little opposition in the House of Commons, which met in October, and in the following April, 1706, the Commissioners entered on the negotiations of that memorable Treaty which was to evolve a year later in the Union of 1707.

V

THE CHURCH AND THE UNION

By W. LAW MATHIESON

THE crisis of 1706 was the last occasion on which the Church of Scotland asserted itself as a political power. With the clergy, whose pulpits were still the chief organ of popular opinion, the ultimate decision lay whether the Union should or should not be accomplished; and this responsibility was thrust upon them at a time when they were very ill-qualified to discharge so grave a trust. Only sixteen years had passed since a political and religious revolution had thrown two-thirds of the parishes vacant; the greatest difficulty had been experienced in filling up so great a void; and Lord Marchmont, a strong Presbyterian, admitted that the majority of the ministers at this period were 'young men of little experience and warm zeal.' The old theocratic spirit had indeed greatly declined; but the Covenants, which the State refused to recognise, were still cherished by the Church; and these solemn abjurations of prelacy seemed to preclude the representation of Scotland in a Legislature at London manned chiefly by

Episcopalians, and comprising twenty-six bishops. Unionist statesmen were quite alive to their danger, surrounded as they were by this great mass of inflammable opinion which a Jacobite bomb, or even some stray sparks of oratory, might at any moment set ablaze. 'If we can but please the ministers in the security of the Church,' wrote Lord-Chancellor Seafield, 'our greatest difficulty will be over.'

The Commission of the General Assembly was sitting when the Treaty of Union was presented to Parliament on October 3, 1706, and the only adequate account of the crisis on its ecclesiastical side is to be found in the manuscript records of that Court—supplemented, indeed, by the letters of Defoe, who had come to Edinburgh as a political agent in the pay, when he could get it, of Secretary Harley, and who made it his principal business to keep fanaticism in check. The two bodies, spiritual and civil, would have clashed even more than they did if certain leading Unionists had not been members of both. The Commission had its first wrangle over a proposal to hold a public fast, for some wished each Presbytery to fast at its leisure, whilst others, eager to excite the populace, urged that Parliament should be petitioned to appoint a day of general humiliation. Sporadic fasting was carried, but the fathers and brethren must have been warm indeed if Defoe is at all within the mark in describing them as a mob. This success showed that no spiritual thunderbolt was likely to be launched; but if the Church in its official capacity could be trusted not

to anathematise the Union, it became equally clear that Parliament could not confine itself, as had been hoped, to the political issue. The Treaty concluded at Westminster made no mention of Churches, Scottish or English, which had been placed purposely outside its scope. The Commission, however, demanded positive, not negative, safeguards; and, in response to a 'humble representation and petition,' the Estates set to work upon an Act which was to secure the Presbyterian Establishment as erected at the Revolution. No sooner was this draft printed than it was vehemently assailed as insufficient both in Parliament and in Commission. Jacobite politicians had shown a laudable but unwonted eagerness to fast and pray, and now, as most magnanimous Episcopalians, they insisted on better terms for the Kirk. The clergy, of course, echoed this demand, and, what with incendiary speeches and pamphlets, political intrigues, street riots, and rustic enthusiasm for the Covenant, their excitement was already at fever-heat. 'The Churchmen are going mad,' wrote Defoe to his patron on October 29; 'the parsons are out of their wits; and those who at first were brought over, and, pardon me, were some of my converts, their country brethren being now come in, are all gone back and to be brought over by no persuasion.' This cry of despair was elicited by the fact that the Commission, despite the protest of certain Unionist elders, were drawing up another 'humble representation,' objecting to the presence of bishops in the House of Lords, and making five demands:

(1) That the sovereign in his coronation oath should engage to uphold the Church of Scotland; (2) that no oaths should be imposed on members of that Church inconsistent with their known principles; (3) that Scotsmen, as a qualification for office in England, should not be required to take either the Anglican sacrament, or (4) the oath abjuring the Pretender, which was based on an Act excluding all but English Churchmen from the throne; and (5) that a council for ecclesiastical causes should be maintained in Scotland after the Union. The first and second of these articles had already been inserted, apparently by anticipation, in the Act of Security; but no concession was made to the other demands, and anti-Unionist hopes of a rupture between Church and State began to revive when it was seen that the Commission refused to accept defeat. Defoe writes on November 28: 'This terrible people, the Churchmen, have not yet done; they have now in debate a protestation against the Act of Security as insufficient. God Almighty open their eyes.' The Commission were in fact preparing a memorial of their claims to be circulated in the Parliament House, but, though the Lord-Advocate lent them his assistance, they made no real progress, and it was truly a triumph of moderation when, 'after much reasoning,' they decided not to present a third address.

The Government was now in a most difficult position. As the Scottish Church had been brought into the Union, the Church of England could not be excluded; and when the Treaty was returned from Westminster it would contain certain

safeguards for prelacy, that limb of Antichrist, which must be voted and approved. It is quite evident from their letters that the Scottish statesmen had convinced themselves that neither they nor the Union could endure the strain of another session. In this dilemma they took the 'very unprecedented step,' as Marchmont called it, of ratifying beforehand whatever ecclesiastical provisions the English Parliament might insert. The Commission, in great alarm at this proposal to sign a blank cheque in favour of Anglican bishops, at once recalled their resolution not to frame a new petition, but their remonstrance was disregarded, and on the same day, January 16, 1707, the whole Treaty, with the Act of Security appended, became law.

The officers of the Scottish Church militant—ministers such as Carstares and Wishart, elders such as Lords Marchmont, Polwarth, and Rothes—had thus succeeded in restraining their forces from making any general assault on the majority in Parliament as it fought its way to Union through the five-and-twenty articles of the Treaty, and when the last hostile demonstration was made, in which even Carstares joined, the gates of the citadel were, as we have seen, just closing behind the rearmost files of Queensberry's exhausted column. Even such imperfect neutrality as this was hard enough to maintain; and Secretary Harley, writing from London to Carstares, expressed his high commendation of the pains taken by the Commission to 'discourage all irregularities and tumults.' Here and there indeed an ecclesiastical soldier, or even

an ecclesiastical company, had broken from the ranks. Three Presbyteries petitioned Parliament against the Union as a heinous breach of national vows; and one of these, the Presbytery of Hamilton, besought the Estates to 'compassionate the trembling state of this Church and nation, and listen as it were to their dying groans.' An inflammatory sermon was the cause of an interminable riot at Glasgow; and the Church's irregular troops—Cameronians and Macmillanites—were believed to be mustering in furtherance of some mysterious plot which Mr. Andrew Lang has described, and possibly explained, in the seventh and eighth papers of this series. Had this hostility become general, had the Commission, instead of trying to amend the Treaty, fulminated against it, and ordered the whole line of pulpit artillery to open fire, it is more than doubtful whether the generalship of Queensberry, good as it was, would have enabled him to reach his goal. 'The first effect of the country's rising,' wrote that most determined of Unionists, Lord Stair, 'would be to chase us home.'

There was one argument in favour of incorporating the two kingdoms, and perhaps only one, which appealed to every Presbyterian—the argument that such a measure would shut out the exiled dynasty and establish on an impregnable basis the Protestant succession. It was well that the Union was buttressed by so strong a plea, for only five years later the worst fears of the clergy seemed to be realised, when the British Parliament, under Tory auspices, granted (most justly) a

statutory toleration to the Episcopal worship in Scotland, restored patronage, and imposed on parish ministers that very abjuration oath which the Commission in 1706 had denounced—little thinking how soon it was to be brought home to themselves—as a passport to political office. Only the last of these supposed grievances was redressed after Whig influence had been re-established at the accession of George I.; but so strong was their repugnance to a Catholic Pretender that the Scottish clergy strenuously resisted every attempt made by the Jacobites to overturn the Union. The Chevalier in 1715 proposed ‘to restore the kingdom to its ancient free and independent state,’ and, thirty years later, his son as Prince Regent, whilst promising full security to the Kirk, announced his intention to summon a Scottish Parliament; but on both occasions Government could rely on Presbyterian ministers, Established and non-Established, as its staunchest and most influential friends. In 1715 we find country pastors mustering their parishioners; and when a force of volunteers was raised to repulse a Jacobite raid on Leith some of the Edinburgh clergy were to be seen marching ‘in rank and file, like common soldiers, with firelocks and bayonets.’ The same spirit was shown in 1745; two men so keenly opposed in ecclesiastical politics as William Robertson and Ebenezer Erskine were both in arms; and the Duke of Cumberland, in a letter to the General Assembly, thanked the clergy for their ‘very steady and laudable conduct,’ and declared that he had ‘always found them ready and forward to act in

their several stations in all such affairs as they could be useful in, though often to their own great hazard.' Meanwhile the old race of ultra-Presbyterian divines was being supplanted by men of a very different stamp—men who had so little quarrel with Anglican Episcopacy that they imbibed and diffused what was then its latitudinarian spirit, whose sermons were modelled on those of Archbishop Tillotson, and some of whom even anticipated the advice of Dr. Johnson by giving their days and nights to Addison's *Spectator*. These were the 'bright youths,' the 'vivid sparks,' whose undogmatic preaching was constantly giving occasion, as Wodrow tells us, to 'new melancholy cries in point of doctrine.' To conclude, then, we may say that the self-restraint of the clergy, such as it was, made the Union possible, that their zealous Whiggism made it durable, and that their conversion to Moderatism was the first step in that assimilation of ideas which was to mould a United Kingdom into a united people.

VI

STATESMEN OF THE UNION

By W. LAW MATHIESON

POLITICAL divisions at the time of the Union were very sharply defined, and it is impossible to understand the statesmen of that period without some knowledge of the parties to which they severally belonged. In the last Scottish Parliament there were three parties—the Old or Revolution Whigs, the New Party or Squadrone, and a miscellaneous but mainly Jacobite Opposition. The first of these was headed by the Whig nobles who had monopolised the Government in King William's reign, and was recruited largely from men who, as they enjoyed or hoped to enjoy offices, titles, pensions, or military commissions, were 'supposed to move according to the inclination of the King.' The second party—it was rather the remains of a party—was also composed of Whigs, and very zealous ones too, but of Whigs who had disgraced themselves in official eyes by encouraging national aspirations, and in particular by warmly advocating the Darien scheme. When King William died and Anne, a Stewart princess, reigned in his stead,

some three-fourths of this loyal Opposition were replaced by Jacobites, whom the Government, in terms of a very unsatisfactory 'deal,' had invited to enter Parliament. Jacobites and Darien Whigs, uniting against the Court, carried the famous Act of Security; and Godolphin, who was practically Prime Minister in the last resort of Scotland as well as of England, then fell back on the latter party, and induced them—a mere handful as they were—to form a Government, with a view to establishing the Hanoverian succession. In this they were successfully opposed, not only by the Jacobites, but by some of the Old Whigs who had long enjoyed the excitement of office-hunting, and, like other keen sportsmen, desired to preserve their game. The New Party, as the Darien Whigs called themselves, or the 'Squadron Volante,' as in reference to their fewness and independence they were usually termed, were then dismissed; and the Old Whigs returned to power, with instructions from London to secure the succession, or, if they should fail in that, as they speedily did, to promote a Union. A treaty was concluded between the two kingdoms on July 22, 1706; and it was presented for ratification to the Scottish Estates in the following October.

The second Duke of Queensberry, leader of the Old Whigs, was the Lord High Commissioner to the Union Parliament, and a better choice could not have been made. He had filled the same office with no small success during the Darien agitation, and as he had practically ever since been at the head of affairs, the whole swarm of place-holders

and place-seekers, informers and secret agents, looked to him as the master of their fate. He was supposed to be somewhat languid and indolent, but he had men at his side who were rather too capable of supplying that defect, and his even temper, his remarkable grace, courtesy, and affability of manner well fitted him both to moderate the zeal of impetuous lieutenants and to minimise the resistance to an unpopular measure. It was probably owing to his influence that so many amendments of the Treaty were accepted and even welcomed by the Government in matters of trade. 'The Lord High Commissioner,' wrote a friendly but judicious annalist, 'behaved himself with that mildness, prudence, and steadiness that the most partial were forced to own they never had a better or abler man at the head of the Government.'

Queensberry, superior to the temptations of lesser politicians, had been a consistent Whig; but this was not a virtue which even flattery could ascribe to the pushing and successful lawyer who presided as Chancellor. The Earl of Seafield, 'a man of all parties,' was the Bubb Dodington of Scottish politics; but unlike that corpulent intriguer, who betrayed every English Ministry from the days of Walpole to those of Bute, he was 'very beautiful in his person, with a graceful behaviour, a smiling countenance, and a soft tongue.' Lockhart happily describes him as 'a blank sheet of paper which the Court might fill up with what they pleased.' A younger son, who had had to make his own way at the Bar, he

entered political life as a staunch adherent of James VII.; became Solicitor-General and Secretary of State to King William; deserted the old Whigs for the Jacobites after the accession of Queen Anne; left these to take office with the Squadrone, who found him 'the greatest villain in the world' when their credit declined at Court; rejoined the old Whigs; zealously promoted the Union, and six years later proposed its repeal in the House of Lords. It may be thought that so flexible a politician, living in troublous times, would anticipate Mr. Pickwick's sage counsel to do what the mob does, and when there are two mobs, to shout with the larger; but what made Seafield so invaluable to whatever Government he served was the coolness and intrepidity with which he could be trusted to perform the most unpopular task. He derided New Caledonia at a time when the enthusiasm for that swamp was at fever heat; neither the threats of the rabble nor their 'great sticks' could deter him from supporting the orders of the Court to reprove Captain Green; he insisted, despite his office, on recording his vote for the Union; and we all know his cynical but not very brilliant remark on signing the Act of Ratification—'There's the end of an auld sang.'

The Duke of Argyll, as an actor on the wider stage of British politics, was to show himself almost as erratic as Seafield; but in his twenty-sixth year, when he served the Dutch Government as commander of their Scottish Brigade, he was more a soldier than a politician, and his idea of accomplishing the Union was to carry it, as he had

carried the citadel of Venloo, by storm. His eloquence, as of all notable speakers, except Belhaven, in these last days of a dying Parliament, must be taken on trust; but he once played the part of Mark Antony to an excited mob of Nationalists; and we have more unbiassed testimony than that of Scotsmen to his oratorical power. 'The late Duke of Argyll,' wrote Chesterfield in 1749, 'though the weakest reasoner, was the most pleasing speaker I ever heard in my life. He charmed, he warmed, he forcibly ravished the audience, not by his matter certainly, but by his manner of delivering it. A most genteel figure, a graceful noble air, an harmonious voice, an elegancy of style, and a strength of emphasis, conspired to make him the most affecting, persuasive, and applauded speaker I ever saw.' A grievous trial to the suave and diplomatic Queensberry was this fire-eating young Duke. He scoffed at the Anti-Unionist petitions—each with its long tail of signatures, declaring that they were fit only to make kites; he insulted the Squadrone, who might at any moment have wrecked the Union; he fought a duel—not a very sanguinary one—with Lord Crawford, one of his own party; he would hear of no alteration in the terms of the Treaty; and on one occasion, when the Government had been deserted by some of their placemen on a not very vital question relating to beef and pork, he urged that these waverers should be instantly dismissed.

The greatest of Scottish orators and the most capable of Scottish statesmen was, in the opinion

of all parties, the Earl of Stair. He had held no office for fifteen years—the result of Glencoe; but he dominated the old Whigs as their master-spirit. In the darkest hour of the Union, when Queensberry, if we can believe Bishop Burnet, ‘despaired of succeeding,’ when rumours of rebellion and even of assassination were rife, and when at least one Minister was urging that the Parliament must be adjourned, Stair, whilst fully admitting the danger, protested vigorously against this proposal of ‘some fearful friends.’ Regardless of failing health, he toiled hard for the cause as ‘a volunteer,’ and life, if not health, continued till his task was done. The ratification of the Treaty was assured when the twenty-second article, which fixed the representation of Scotland in the British Legislature, was carried on January 7, 1707; and on that day the powerful eloquence of Stair, in which, ‘though much indisposed,’ he excelled all his previous efforts, was heard for the last time in the Parliament House. A letter is extant which shows that the Union still occupied his thoughts when, in the words of Defoe, he ‘went to sleep and waked no more in this state.’ Lord Rosebery has remarked that ‘a death so patriotic might almost obliterate the murders of Glencoe’; and one recalls the fine tribute of Mommsen to Scipio Africanus: ‘In his quiet chamber he no less died for Rome than if he had fallen beneath the walls of Carthage.’

Neither the eloquence of Stair nor the management of Queensberry could, however, have accomplished the Union if the Squadrone had opposed it, for the Old Whigs could muster only about a dozen

more votes than the Opposition, and their rivals, the New Whigs, could command twenty-four. This party included some excellent but heavy men, such as the Marquis of Tweeddale, its nominal chief, whose father had been disgraced for giving the Royal Assent to the Darien Charter, and Baillie of Jerviswood; but its real strength lay in a quartette of high-spirited young nobles—Montrose, Roxburgh, Haddington, and Rothes. These men had all been violent Nationalists in the days of the Act of Security, when 'we were often in the form of a Polish diet, with our swords in our hands, or at least our hands at our swords,' and they might have continued in this persuasion, with the exception of Montrose, if one of their number had not induced them, by arguments which cannot be explained here, to relinquish their dream of national independence, to unite with the Old Whigs, who had thwarted and supplanted them in office, and, in short, as Baillie ruefully expressed it, 'to drink the potion to prevent greater evils.' The man who wrought this change was the Earl, afterwards Duke, of Roxburgh; and if, as Belhaven might have said, the Unionists were a band of conspirators leagued together for the destruction of Scottish nationality, 'this was the noblest Roman of them all.' Roxburgh combined the honesty and learning of Fletcher with the personal charm of Argyll; and there can be no doubt as to the impression he produced, for whilst his friends were never tired of extolling 'the elegance of his manners, his fine parts, greatness of soul,' the Jacobite Lockhart is candid enough to acknowledge

that this 'cut-throat of his country' was 'perhaps the best accomplished young man of quality in Europe, and had so charming a way of expressing his thoughts that he pleased even those against whom he spoke.' One side of his character—his detestation of jobbery—must strike every reader of his letters. The young statesman, to whom the writing of a despatch was almost as nauseous as 'taking a bolus,' and who concluded one with 'I am in the spleen, so good night,' affected to be very easily bored; and nothing bored him so much as the paltry intrigues of men who were perpetually trying to get into office or to put somebody out. 'I am plagued to death with this call,' he wrote in reference to an appointment in the Court of Session, 'and if ever I meddle in another, plant whom they will, I am much mistaken'; and when Baillie, in the interest of the Squadrone, had proposed to him some complicated manœuvres in the manipulation of patronage, Roxburgh curtly observed that he and his friend might yet be found on different sides.

When we turn from the Whigs, old and new, to the anti-Unionists, the compactness and organisation characteristic of these parties are no longer to be discerned. Since 1703 the Parliamentary Opposition had been mainly composed, and after the new Whigs had seceded and formed themselves into the Squadrone, had been almost wholly composed of Jacobites; but this central mass, professing a doubtful loyalty to Queen Anne, and determined not to go to Hanover for her successor, had got itself hopelessly entangled in the wreckage of

parties borne down upon it by every political current—genuine Nationalists, such as Fletcher of Saltoun and Lord Belhaven, and derelict Ministers, such as the Duke of Athol and the Marquis of Annandale—the former so choleric that when speaking in the House he often almost ‘choked himself with passion,’ the latter a man whom his friends employed, ‘as the Indians worship the devil, out of fear,’ and of whom Roxburgh said: ‘There is nothing Annandale can do that can surprise me.’ Such leaders had little in common with the Legitimist and Episcopal rank and file. Fletcher was a Republican; Belhaven, and especially Annandale, were staunch for Hanover; and Athol, the more violent his Jacobitism became the more elaborately did he pose as a Presbyterian.

So heterogeneous a force would have required a ‘heaven-born general,’ and it could hardly have had a worse one than the Duke of Hamilton. If this half-bankrupt grandee, with his ‘black coarse complexion’ and ‘rough air of boldness,’ still revisits the glimpses of the moon, he must be most agreeably surprised at his portrait in ‘Esmond.’ He was a Douglas on his father’s side, a Hamilton on his mother’s, and whilst his speech and bearing betokened the headlong valour of the former house, his actions betrayed the weakness and irresolution of the latter. No orator was more vehement in Parliament, no conspirator more cautious out of doors, and both sides of his character are happily revealed in his dealings with Colonel Hooke. He consented to receive that emissary of France and the Pretender, but only in complete darkness, so

that he might be able to say he had not seen him; and Hooke must have spent a most uncomfortable night listening for hours to the '*grande vehemence*,' the '*transports de colere terribles*,' not of a man, but of a voice. The Duke had many schemes on foot for wrecking the Union—insurrections, petitions, and secessions—but nobody thwarted them so zealously as himself; and his inaction, the excuses for which descended even as low as tooth-ache, is easily explained when we find him four hours 'incognito' with Queensberry, and 'very frequently' with Seafield.

Belhaven, too, has been transformed, not by the magical touch of a great novelist, but by the effect of his oratory in print. He had, indeed, done nothing, so far as we know, unworthy of his fame. He had suffered as a Whig in the days of Charles II., had fought for the Revolution, had zealously promoted the Darien scheme and the Act of Security; and all that can be alleged against him is that, having taken office with the Squadrone, he deserted that party—without joining the Court—when it fell into disgrace. Nevertheless, whether we accept his portrait as 'a rough, fat, black, noisy man, more like a butcher than a lord,' or prefer to think of him as 'of a good stature, well set, of a healthy constitution, graceful and manly presence,' the fact remains that no party thought well of Belhaven. The Squadrone distrusted him; Macky describes him as a disappointed place-hunter; and Lockhart says that he was always 'plodding how to advance himself, and for that end steered his course to many opposite shores.'

As a speaker against the Union he was extremely theatrical, sometimes falling on his knees, sometimes exhorting the Commissioner to appoint an 'agap' or love-feast; and his bombastic orations were more admired by the public that read them than by the senators that heard them. Of his most famous harangue Seafield wrote: 'A speech contrived to incense the common people; it had no great influence in the House.'

Belhaven's real fault may, after all, have been that he was too patriotic to be a partisan, and nothing better illustrates the transparent worth of Fletcher than the fact that, though even more independent and still less amiable in disposition, he was almost universally respected and esteemed. Of his attitude towards the Union it may be said that he admitted the disease, but repudiated the cure. No one saw more clearly, no one felt more acutely, that Scotland since 1603 had been in a condition which made her boasted independence a mere farce—her foreign relations, in so far as she had any, managed by England, her Ministry responsible in all but name to the English Cabinet, her Legislature manned largely by place-men and pensioners pledged to uphold that Ministry in its subservience to the English Court. So far he was in accord with Roxburgh, who had supported several of the 'limitations' by which he proposed to put the Royal prerogative and patronage under control of the Scottish Parliament; but, whilst Roxburgh came to see that such reforms could be neither established in theory nor made to work in practice, and that complete separation

would mean war, bankruptcy, and a Catholic sovereign, Fletcher, to whom one king was almost as objectionable as another, persisted in his scheme; and when reminded that 'intolerable poverty' demanded commercial concessions which could be had only at the price of an incorporating Union he 'argued with all the fury in the world' that the English and Colonial trade would be positively disadvantageous to Scotland. Such audacity of paradox need not surprise us in the 'low thin man, full of fire, with a sour stern look,' who was 'so extremely wedded to his own opinions' that he could suffer none but his most intimate friends to call them in question, who had as little command of words as of temper—for all his speeches were carefully prepared and conned—but who, when all is said, was 'a gentleman, steady in his principles, of nice honour, with abundance of learning, brave as the sword he wears, and bold as a lion.'

Two centuries have come and gone since the struggle of the Union was decided under the oaken rafters of the Parliament House; and as we look back upon it from the commanding eminence of a later age we can see that this was a battle in which Fletcher was no less victorious than Stair—a battle radiant in victory, undarkened by the shadow of defeat; for, if the instruments of a wider destiny were compelled to do violence to the national sentiment of their countrymen, has not that august spirit defied the mockery of these vain blows, and proved itself 'as the air, invulnerable.'

VII

A ROMANTIC PLOT AGAINST THE UNION (I.)

By ANDREW LANG

THE Union between England and Scotland might almost have adopted the motto which Cardinal York chose for his medals: he was King Henry IX., *Dei Gratia sed non Voluntate Hominum*. The Union was achieved 'by the grace of God,' but quite contrary to the natural wishes of Scottish men. 'Farewell, thou ancient kingdom,' was the burden of a popular song, when, in the words of Lockhart of Carnwath, 'Scotland ceased to be Scotland.' The patriots did not want the Union; the Jacobites detested it; the Presbyterians saw in it an unholy league with an uncovenanted kingdom and with black prelacy; many men of the business class foreboded the ruin of trade.

Yet the Union was achieved, we may say, *Dei gratia*, and thanks to the subconscious common-sense of the country. 'There are good marriages; there is no such thing as a delightful marriage,' says Rochefoucauld. Nobody in Scotland thought the Union a delightful marriage of the kingdoms.

But beneath all their hostile sentiments men felt that the Union was the least evil of the choices before them. Without the Union there was the prospect of exclusion of Scottish wares from England, and even of war with England. No Jacobite objected to *that*, if Scotland had a chance of success; but chance there was none, for the old indispensable ally of Scotland—France—was neither able nor willing to help her effectually. The Presbyterians saw that, contrary to their principles as a union with a prelatric country might be, it was not nearly so bad as the restoration of James VIII., a Catholic Prince. The more intelligent of the trading classes perceived that the Union gave the only hope—a hope long deferred—for the expansion of Scottish commerce. Thus the Union was consummated in spite of the combination of hostile discontents. One picturesque combination was contemplated.

Two hundred years ago, in November-December, 1706, Edinburgh was within an ace of seeing a more royal row than had ever roared through her streets and wynds since

‘Startled burghers fled afar
The furies of the Border war.’

Parliament was sitting, the Parliament which carried the Union. It was debating about duties on malt and salt, about pork and twopenny ale, when the patriotic populace grew dangerous. The carriage of the Royal Commissioner Queensberry was stoned in the streets, while the Jacobite Duke of Hamilton was cheered both by Jacobites and

Presbyterians. At this moment, as we shall see, Highlanders driving cows, but armed to the teeth, began to drop in till the Gaelic was heard freely in the High Street. Then Queensberry became aware of a quiet little plot; 8000 armed 'Cameronians' (so-called) from the Western Shires, with 500 horse and 500 men who had not only muskets but bayonets, were about to march in from Lanarkshire, Ayrshire, Renfrewshire, and the Kingdom of Galloway, while the Duke of Atholl would secure the bridge of Stirling, and all the Jacobite gentry of the Mearns, with the Murrays, Stewarts of Atholl, and Clan Chattan, would follow the pipes into Edinburgh, join the blue bonnets of the West, turn the debaters of Parliament into the streets, and then—see how the country would take it!

Nobody knew how the country would take it; nobody knew the nature of the secret alliance of Cameronians and Cavaliers. The Cavaliers were said to have persuaded the Cameronians that they had no schemes for restoring a Popish Pretender. The Cameronians were said to have assured the Cavaliers that in King James VIII. they recognised the only salvation of their common country. But certainly a joint rising was being arranged, and blue bonnet and kilt and plaid would charge together through street and wynd, and, like 'the sarcastic Mr. Brown,' would 'clear out the town,' while every advocate and Writer to the Signet (desperate adventurers these) would 'be in his bandoliers' for the rightful cause. Meanwhile Government had within call but 1500 notoriously

disaffected and ill-paid regular troops. When the allies had cleared Parliament out they would certainly fall by the ears among themselves, and, if the French fleet then appeared in the Forth, with King James on board, anything might happen.

Nothing happened! Queensberry sat still, spoke a word or two in the right quarter, wrote a note or two, and the meeting thunder-clouds never met.

Why did they not meet? History has always told this tale of a Cameronian-Jacobite plot which should have broken the Union and preluded to war between England and Scotland. But history is often the mere mouthpiece of babbling tradition, and we ask, 'What was really happening?'

A combination of the Cameronians, these austere supporters of the Covenants, with the Jacobites, the partisans of 'a Popish Pretender,' seems an impossible arrangement. Yet the story of this conspiracy appears in Hill Burton's *History of Scotland*, in Mr. Mackinnon's excellent work on *The Union of England and Scotland*, and in Mr. Mathieson's more recent *Scotland and the Union*. In this book a certain ¹Ker of Kersland (a most divertingly impudent rogue and spy) is entitled 'the Cameronian leader.' The modern representatives of the Cameronians protest against the story which represents the Cameronians as ready to rise with the Jacobites (their deadly foes) to sweep the Union Parliament out of Edinburgh. Historians have perhaps been misled by the language of the writers of the time, who applied the name 'Cameronians' to persons, and to preachers of

¹ See Appendix I.

Covenanting and anti-Unionist principles at large, who were not members of the regular organised dissenting 'societies.'

The protests against the historical tradition of a Cameronian-Jacobite league in December, 1706, have been mainly directed, not at our historians in general, but at myself. In 1897 I happened to read *The Memoirs of John Ker of Kersland*, who is usually spoken of as 'the Cameronian leader,' and who gives a very amusing account of how, apparently in that character, but really as an agent and spy of Queensberry and the Unionist party, he prevented the Cameronian-Jacobite plot from exploding. Was his story true? On reading it I at once thought it desirable to do what no writer known to me had done, namely, to consult manuscript minutes of meetings of the Cameronian Societies. I learned that they were deposited in the library of the New College of the Free Church in Edinburgh. I applied for permission to have them copied, but—why I know not, and by whom I forget—permission was refused. Thus my sources of information were confined to Ker himself, and to contemporary writers, such as Colonel Hooke and Lockhart of Carnwath on the Jacobite side, and De Foe, in his letters to Harley from Edinburgh, where he acted as agent of the English Minister. I published an account of the Cameronian-Jacobite conspiracy in *Blackwood's Magazine* (December, 1897), mentioning that I was unable to check Ker by means of the Cameronian Minutes. Then it was that Mr. Hay Fleming—who, more fortunate than myself, was permitted

to see the sacred minutes of the Cameronian Societies, and who knew Cameronian printed books of which I was as ignorant as Mr. Hill Burton. Mr. Mackinnon, and Mr. Mathieson—arose and smote, through my shoulders, that lying jade, historical tradition! Like the plucking of Penedennis, 'it was not done in public.' My 'recklessness of statement and disregard of historical accuracy'—and yet I had done my best to arrive at manuscript sources!—were exposed in *The United Presbyterian Magazine* for May, 1898, a periodical doubtless admirable, but not much consulted by historians. Thus I was the whipping boy chastised for the sins of all historians who tell of a Cameronian-Jacobite conspiracy to turn the Union Parliament into the streets.

The result of the new raking up of evidence is to the following effect: On December 7, 1706, De Foe tells Harley that though there were anti-Union riots at Glasgow, 'the Cameronian people, though equally disaffected,' would not join Finlay, a rowdy Jacobite of no social position, who desired to march against Edinburgh. But, according to the anti-Unionist Lockhart of Carnwath, who was behind the scenes, the disaffected Western Whigs 'entirely trusted' not Ker, but Cunningham of Ecket, a strict Presbyterian, who was negotiating their alliance with the Jacobites. These 'Western negotiators' (in whom, when Lockhart's book was published, the Cameronians recognised themselves) were 'armed, regimented, and mentioned the Restoration of the King' (James) 'as the most feasible grounds to go upon to save their country.'

Lockhart, with the Dukes of Hamilton and Atholl, encouraged Cunningham, who went to the West, and 'gained entire credit with the ringleaders.' Eight thousand armed Presbyterians were 'just upon the wing' to meet the Highland clans in Edinburgh, and break up the Parliament, when Hamilton lost courage, and Government took steps fatal to the enterprise.

Were these eight thousand regimented and armed Presbyterian opponents of the Union, strictly speaking, Cameronians? Mr. Hay Fleming, after consulting the societies' minutes, is able to certify that they contain no references to Ker, who avers in his memoirs that he called them to assemblies, and played on them as on a fiddle. Whether the Cameronians, if they were engaged in an intrigue with Cunningham of Ecket, would record the circumstance in their minutes, I am unable to say. At all events, Lockhart's narrative, with other narratives, attracted the attention of the Cameronians ten years later. In August, 1727, Mr. Hay Fleming finds, a Committee of Cameronians was appointed to 'give a short answer' to Lockhart, Ker of Kersland, and Patrick Walker, guilty of 'a scandalous pamphlet,' 'in order to wipe off their false aspersions.' But I cannot find that this Committee wiped off any aspersions. Mr. Hay Fleming does not inform us as to whether the Committee, appointed in August, 1727, to answer the scandalous aspersions of Lockhart, Kersland, and that lost old sheep Patrick Walker, ever made a report to the Cameronian Societies, or ever published a reply to Lockhart,

Kersland, and Walker. He merely says that, in a book of 1731, *Plain Reasons for Presbyterians Dissenting*, etc., a book without name of author, publisher, or place of publication, 'The Cameronians indignantly repudiated Kersland's allegations, and denied having any connection with him.' 'He was never unite with them,' the quotation runs, 'did never convene them at Sanquhair, or anywhere else (as he and Patrick Walker affirm), but an intire stranger unto their secrets, a perfect foreigner unto their purposes, and they quite removed from the sphere of his prescriptions or dictates.'¹ But this book is not an official report by the Cameronian Committee of 1727; its author represents himself as 'but a private Christian,' and his disclaimer of Ker is not a disclaimer of Cunningham of Ecket.

In face of the author's plain disavowal of corporate authorisation from the Cameronians, Mr. Hay Fleming produces no other proof that 'the Cameronians indignantly repudiated Kersland's allegations!' And what about Lockhart's 'asperisions'? Meanwhile the private Christian made one point. Kersland gave a false account of a Cameronian proclamation of October 22, 1707, and Patrick Walker followed his false version.

Lockhart's account of Cunningham's intrigue with the leaders of the 'armed and regimented' Westland Whigs can only apply to the Cameronians, who alone were armed and regimented. On this point we have the evidence of Clerk of

¹'Plain Reasons for Presbyterians Dissenting from the Revolution Church of Scotland,' p. 275.

Penicuik, who helped to arrange the financial clauses of the Treaty of Union. Clerk says, in manuscript notes on his copy of Lockhart's book: 'I have conversed with him (Cunningham) often, and he acknowledges that, "after he had plotted with these people to make a rebellion," he fell into remorse of conscience, partly from the wickedness and partly from the danger of the attempt; and from that time entered into correspondence with the Duke of Queensberry; I know likewise that he was employed by the Duke to go among these men, and by pretending to be their friend to dissuade them from violent measures.'¹

If, then, we may trust Lockhart, who employed Cunningham, and may trust Clerk, who conversed with Cunningham, that gentleman did intrigue with the Cameronians. Later the Committee of 1727 wanted to deny the aspersion, but where is their denial? So far historical tradition is not necessarily wrong. The impudent statements and treacheries of Ker of Kersland must be reserved for another notice. He had, in fact, for a year or two a good deal of influence with the Cameronians, and used it for Whig and Unionist ends, but he was not a Cameronian, and it is an error to call him the Cameronian leader. So far, historians deserve to be skelped.

¹Clerk's MSS. in Lockhart. Somerville's 'Queen Anne,' 1798, p. 219. Note 31.

VIII

A ROMANTIC PLOT AGAINST THE UNION (II.)

By ANDREW LANG

THE conspiracy, spoken of in a former paper, between the blue bonnets and the kilts, the Cameronians and the clans, to break up the Union Parliament seems to have been arranged in Lanarkshire and Ayrshire. In these counties, we saw, Cunningham of Ecket was trying to combine the hostile friends of Jacobitism and of the Covenants. There were also movements in Dumfriesshire and Galloway, where the preachers favoured by the extreme Covenanters were the Rev. Mr. MacMillan and the Rev. Mr Hepburn. As far as I can pretend to understand the case, Mr. MacMillan was then the only ordained minister of the Society men; Davie Deans in *The Heart of Mid-Lothian* says that he 'is not a MacMillanite.' Mr. Hepburn held political and theological opinions akin to those of Mr. MacMillan, but it does not appear that he was so thoroughly separated from the Kirk. His followers were called 'Hebronites.' The Jacobites desired to 'capture' both of these preachers and

their armed flocks. The frequent practice of both flocks and pastors was, if I may speak lightly, to protest against every one above an inch high, but their protests against a Popish Pretender were perhaps the most energetic of any. It was, therefore, improbable that an alliance could be formed between Cavalier and Cameronian enemies of the Union unless the negotiators on one side or the other could dupe their desired allies.

De Foe's letters to Harley, from Edinburgh, now come in as evidence. On October 29, 1706, he fears that the Opposition and the Highlanders will attack the Union, and that 'the Church will join the worst of their enemies'—the Kirk will combine with the Cavaliers. On November 13 he writes, 'At Dumfries they have burned the Articles of Union in the Market-place.' 'Unusual numbers of Highlanders are in the streets, there being more of them here now than has been known. Indeed, they are formidable fellows,' each 'with broadsword, target, pistol, or perhaps two; at the girdle a dagger.' They were quietly dropping in, waiting for the Westland folk. 'The few troops the Government have here are not to be depended on.'

On November 16 De Foe sends 'The Cameronian Addresses,' drawn up by the Rev. Mr. Hepburn, 'a mad man.' 'All the West is full of tumult' (November 19). On November 26 the Earl of Stair expresses his apprehension of an armed rising, 'towards which there are too many open steps made already.' 'The effect of the country's rising would be to chase us home,' . . . to 'raise the Parliament.' On November 30 De Foe reports

that the Glasgow men are marching (it was only a mob, after all), 'the Stirling men, Hamilton men, and Galloway men' (the genuine 'Westland Whigs') 'are to meet them.' De Foe next writes (November 30), 'Mr. Pierce, *whom you know of*, offering himself, I sent him with my servant and horses, with some heads of reasons, if possible to open their eyes. He is very well known to them, and very acceptable to their ministers who are the firebrands. . . . He is sincerely zealous for the public, and will merit a pardon for what has passed, if he performs this service, whether he has success or no.' Who is 'Pierce'? Certainly 'Pierce' is a false name.

'Mr. Pierce' is either Cunningham of Ecket or Ker of Kersland. Both men were, or gave themselves out as being, dear to the preaching agitators. If Cunningham needed a pardon for having conspired with the Western Whigs (and Clerk says that he *had* conspired), Kersland, according to Lockhart, had committed forgery, and needed a pardon for that. 'Pierce,' at least, is a man whom Harley 'knows of,' and there is later proof positive that Harley knew Kersland.

On December 17 the discontented people are still 'gathering a little' in Galloway and the West. On December 24 De Foe reports 'a long letter from Mr. J. Pierce.' He has been with the preacher Hepburn quieting him. Hepburn had already disowned the pretended King James in September, 1706, as Mr. Hay Fleming quotes *Humble Pleadings*, p. 253, 1713. On December 20 De Foe reports that Pierce 'has done such service there as

no man in Scotland but himself could have done, nay he has gone where no man but himself dare go at this time.' He has stayed with Hepburn and his disciples, has opened Hepburn's eyes, and heard him preach for seven hours 'to a vast congregation.' He has, in modern phrase, 'squared' Hepburn. Multitudes of armed Highlanders and mounted men, however, are still crossing to Leith and Queensferry from the North.

By December 27 'Pierce' has returned to Edinburgh. He reports that 'the ignorant people' had been won over by 'Jacobite subtlety,' and were ready to join in a rising 'with almost anybody.' The people about Hamilton are the most deluded. But Hepburn now, thanks to Pierce, 'declares against tumult and arms.' De Foe's servant had ridden with 'Pierce,' and knew where Pierce had been.

Now, Lockhart tells us that Cunningham, on visiting the West, after securing the co-operation of himself and of Atholl and his clansmen, found that 'the Court' (Queensberry's administration) 'had gained over Mr. Hepburn, . . . the darling of the people,' and Hepburn served them as a spy, 'roaring against the Union,' but 'opposing all their measures of appearing openly against it.' This was exactly what 'Pierce' told De Foe that *he* had trained Hepburn to do. Cunningham, according to Lockhart, then approached the Rev. Mr. MacMillan, and arranged everything for the rising: the tryst was to be at Hamilton, and then—the Duke of Hamilton countermanded the enterprise.

It had been a pretty serious affair; many of the preachers were in it. These men were not technically 'Cameronians'; they were placed ministers. According to the Rev. Thomas M'Crie, Hepburn was a sample of them, 'Mr. John Hepburn was one of those good men, of whom there was a considerable number in the Church of Scotland after the Revolution, who, though they did not see it their duty to make a formal separation from her, disapproved of her constitution as settled legally at that period.'¹ Not choosing to give up their manses and pleasant glebes, these good ministers fomented, from the pulpit, the proposed Western rising, which was to combine with the rising of the clans. De Foe writes (December 7) to Harley, 'I am sorry to tell your honour that thirteen ministers of parishes in their several pulpits read the paper handed about for their assembling,' that is, for the assembling of the men who were to meet the Highlanders at Edinburgh!

Now, perhaps, we understand that Cunningham was in league, not only with the regimented and armed men, but with placed ministers who held Cameronian views, comfortably, in their endowed manses. Meanwhile, it was clearly 'Pierce' who quieted Hepburn and his flock, and Pierce, as clearly, is Ker of Kersland, as we try to prove.

Kersland himself says nothing of De Foe in his *Memoirs*, but avers that Queensberry urged him to use his influence with the Cameronians and 'the commonality of Presbyterians, who were always

¹ Wodrow, 'Correspondence,' Vol. I., p. 66. Note 1.

ready to concur with them in any measures they went into.' The Jacobites, Kersland says, had persuaded 'the Cameronians' that they had no design to introduce a Popish pretender, but merely to break up Parliament. Kersland, however, perceived the snare, and, moved by Queensberry, attended a meeting at Sanquhar, merely as a candid friend, who did not presume to dictate, but thought the Union a bad business, and, 'as my predecessors have done in the worst of times, to share in life or death with you.'

The meeting welcomed Kersland (who never pretends to have belonged to any of their 'Societies'), burned the Articles of Union at Dumfries, before November 13 (according to De Foe), and issued a moderate proclamation, with none of the usual Cameronian style about it, as Mr. Hill Burton and Mr. Hay Fleming both recognise.

But Kersland found that, after this 'those that were upon the head of the Jacobites' (Cunningham, acting with Lockhart and Atholl) 'returned upon their former agreements and resolutions,' and endeavoured, in accordance with previous agreements, to persuade the people to march to Edinburgh and join the Highlanders. This statement clearly refers to Cunningham's visit to the West, at the time when he found that Hepburn had been won over—obviously by 'Pierce,' that is, by Kersland. In these circumstances, Kersland argued to his Cameronian friends that the Jacobites had done nothing, 'while *we*, like Christians and brave Scotsmen, had given a public

testimony against the Union by burning the Articles.' The Jacobites 'have not answered our signal,' so 'we may abide quietly.' (Kersland, Vol. I., pp. 29-36. Portland MSS. Hist. MSS., Com. XV. IV., 242-375.)

As Kersland, in December, 1706, soothed and quieted down the people whom he calls 'Cameronians' at exactly the same moment as 'Pierce' did the same thing; while 'Pierce' was presently 'captured' by a party, not that of Queensberry (so De Foe writes on March 10, 1707), exactly at the time when Kersland left Queensberry for the faction called the *Squadron Volante*, it is certain that 'Pierce' and Ker are the same man. Probably Kersland drafted the Proclamation from Dumfries, which is in the tone of a man of the world, not of a fanatic. Does it seem possible, then, to maintain that Kersland was lying when he claims influence with 'the Cameronians'? He may, and does, use that name laxly; he was not, nor pretended to be, 'a joined member' of their societies; but that he did a very considerable service to the public peace by organising a demonstration, while dissuading his 'Cameronians' from arming and joining the Jacobites in Edinburgh, seems to me manifest. Cunningham and the Duke or Duchess of Hamilton, if we believe Clerk, De Foe, and Lockhart, did the same service as regards the country about Hamilton, but Kersland was the pacifier of the Glenkens and Dumfriesshire Cameronians. If these conclusions be accepted, the 'Cameronians,' or some of them, with 'the Presbyterian commonality,' and crypto-Cameronian

placed ministers, were really in the net of a Jacobite intrigue, and with some of them Kersland really had much influence.

So far, then, I doubt whether historians who have accepted the historical tradition which represents Kersland as a leader of the Cameronians deserve to be flogged much in this instance. Ker was not officially a Cameronian leader, but he had very great influence with the 'Society men.' We have reached the conclusion that there was a Western Whig and Jacobite plot to upset the Parliament—though we cannot believe that the Whigs were anxious to restore James—and that Cunningham was first an exciting, then (*teste* Clerk) a restraining influence; while Ker quieted passions in Galloway; and the Duke of Hamilton, who was often in secret colloquy with Queensberry, was probably threatened into checking the enterprise, or did so because he knew that all was known.

As the Western Whigs never marched to Edinburgh, being damped down by the repentant Cunningham, the timid Duke of Hamilton, and the roguish Ker of Kersland, the Highlanders with their swords, pistols, and dirks slipped back to their glens, and the Union Parliament was left undisturbed. The picturesque plot came to nothing. Had it succeeded, had the clans and Cameronians joined hands to evict the Parliament, they would next have had a splendid fight among themselves. The clans would have set up 'the standard of King James,' their Presbyterian allies would have tried to pull it down, and there would

have been a pretty battle in Edinburgh. Probably the English Government would have sent in regular troops to help the Cameronians; France might have despatched assistance to the Jacobites, and, instead of the sober, useful Union, history would have contained some military chapters of poignant interest. *Dis aliter visum* and, at the end of May, 1707, Lockhart, in a letter, combines a wail for the death of the ancient kingdom of Scotland with vaunts about the successes of his greyhounds.

IX

SCOTTISH INDUSTRY BEFORE THE UNION

By W. R. SCOTT

THE study of economic progress proceeds by certain well-defined methods which were recognised by Adam Smith, and have been advanced by later writers. To obtain a clear understanding of the industrial condition of a given country at a somewhat remote period involves the application of these methods of inquiry in the reverse order so that an abstraction may be made of the results of progress and the residuum that remains may be taken as a rough approximation of the economic conditions required. This residuum, however, it must be recognised, still needs to be viewed from the true historical perspective before it can be of real value, or, indeed, of any great interest. Thus, to picture the state of Scottish commerce before the Union, it is necessary not only to discover the nature of the industries then carried on there, but to compare these conditions with those obtaining about the same time in other countries. In other words, the actual industrial phenomena during the half-century before the Union are not so important

as the economic position of the country relatively to its neighbouring nations.

In the seventeenth century Scotland was much more dependent on agriculture than England or France, and it was unfortunate that the methods of cultivation were considerably behind those in vogue at that period south of the Border. There had been few improvements introduced during the previous two centuries, and the 'run-rig' and 'in-field' and 'out-field' systems remained in vogue, with the result of exhaustion of some land, while other areas were allowed to become waste. A contemporary Scottish writer (*Essay on . . . Enclosing, Fallowing, and Planting, etc., Scotland*. Edin., 1729, p. 45) speaks of 'the barbarous Gothish manner of husbandry,' while Adam Smith describes the system of the seventeenth century in the following terms: 'The greater part of the farms will be allowed to lie waste, producing scarce anything but some miserable pasture, just sufficient to keep alive a few straggling, half-starved cattle; the farm, though much understocked in proportion to what would be necessary for its complete cultivation, being very frequently overstocked in proportion to its actual produce. A portion of this waste land, after having been pastured in this wretched manner for six or seven years together, may be ploughed up, when perhaps it will yield a poor crop or two of bad oats or some other coarse grain, and then, being entirely exhausted, it must be rested and pastured again as before, and another portion ploughed up, to be in the same manner exhausted and rested again in its

turn. . . . The lands that were kept constantly well manured and in good condition seldom exceeded a third or a fourth part of the whole farm, and sometimes did not amount to a sixth part of it.' (*Wealth of Nations*, I., ch. xi., pt. 3.) Many writers attribute this astonishing backwardness wholly to political conditions, but, while these doubtless exerted a considerable influence, other causes are to be found in the bad system of land tenure, under which services were exacted from the tenants in an arbitrary manner; also allowance must be made for the ignorance and intense conservatism of the tenants themselves, as well as for the indifference of the proprietors, many of whom considered it 'an affront to their rank' to have any knowledge of husbandry (*Essay on . . . Enclosing, etc.*, p. 75). It follows, therefore, that relatively to what might be considered the normal produce of the land for the time, in Scotland both the quantity and quality was much below the average in neighbouring countries. Moreover, the consuming power of the nation, through its poverty, was small, and grain, hides, and wool were exported up to the last quarter of the seventeenth century. It was more convenient to export or to consume locally, since the means of internal communication were bad almost beyond belief. According to a petition presented to Parliament as late as 1698, it appears that it was easier to convey comparatively compact goods, such as ropes and cordage, from Glasgow to Edinburgh and the East Coast by sea than by land. (Parliamentary Papers, Register House, 1698—'Overture

anent Ropes,' *vide Scot. Hist. Rev.* ii., p. 297.) It should be noted that the export of agricultural produce, especially corn and cattle, at this period was subject to great fluctuations, owing to the commercial policy of the consuming countries, in each of which there was a strong landed interest, which succeeded at times in obtaining the prohibition of such imports under certain conditions. In other extractive industries Scotland was able at this period to export considerable quantities of lead and salt, and at the end of the sixteenth and the beginning of the seventeenth centuries there had been discoveries of both gold and silver. Other regular exports were rough textile fabrics, such as plaidings, stockings, and coarse linens. The chief imports were all kinds of manufactures and wines.

At the beginning of the last quarter of the seventeenth century the balance of indebtedness in foreign trade was distinctly adverse to Scotland, as is shown by the state of the foreign exchanges. Thus in 1681 the discount on exchange with London was as much as 15 per cent. (*Records of a Scottish Cloth Manufactory*, p. xxix.) The poverty and backwardness of the country as compared with England (which, again, was less advanced than Holland or France) may be established from other sources. In 1658, when some attempt was made to assimilate the Customs and Excise of the two countries, the receipts from the former branch in Scotland were £12,500 sterling, and from duties on sea coal £2216, making a total of £14,716—(*Purves's Revenue of the Scottish Crown*, p. xlii.)—while the Excise amounted to

£49,118, making a total for the two of £53,834, which compares with a revenue from the same sources of about £700,000 a year in England (Thurloe's *State Papers* VI., p. 596). Most remarkable is the discrepancy between the Customs—in Scotland under £15,000 and in England in 1659 £411,414! (*Journals H.C.* VII., pp. 627-631). Again, it is possible to obtain some idea of the annual value of the agricultural land in Scotland soon after the Restoration from the calculations of Petty. He estimates the rental of England and Wales and the Lowlands of Scotland to have been about nine millions, and that of the Highlands and of Ireland would work out to about half a million more, making for Great Britain and Ireland a rental of some nine and a half millions (*Pol. Arithmetic*, p. 151). But the annual value of the lands in England and Wales is stated elsewhere at eight millions (p. 179), and that of Ireland at about half a million (*Pol. Anatomy of Ireland*, p. 5), leaving the estimated Scottish rental about a million only.

It is only to be expected that the industrial backwardness of Scotland attracted the attention of thoughtful and patriotic Scotsmen. From time to time well-meant, if spasmodic, efforts were made to effect improvements. The fact that the Dutch found their 'chiefest gold mine' in the herring fishing off the Scottish coasts aroused indignation, and efforts were made to conserve this part of the national wealth. In the time of Charles I. a very interesting organisation was founded, which was intended to be an English and Scottish fishing

body, with a governing board composed of equal numbers of representatives of the two countries, which would operate through local joint-stock companies, working each in its own area. This enterprise was a failure, and similar ill-fortune followed another venture, this time purely Scottish, founded after the Restoration. Thus all through the seventeenth century Scotsmen had the mortification of seeing the Dutch gathering the harvest of their seas, and, according to one account, on one occasion there were known to have been over 3000 Dutch fishing vessels at work off the coast.

It will be noticed that during the first half of the reign of Charles II. the industrial condition of Scotland was such as to give rise to considerable apprehension. England was rapidly recovering the successive losses of the Civil War, the Plague and Great Fire, and the Dutch Wars. Not only so, but as time went on a period of great prosperity began to set in. Scotland had escaped some of the misfortunes that had affected England, but her main industry—agriculture—was making little if any progress, while the potential gain from fishing had not as yet been secured. Under these circumstances it seemed that the only way to escape from the existing unsatisfactory position would be to found a number of manufactures and to develop an exclusively Scottish foreign trade. There were some difficulties towards the attaining of the latter goal owing to the operations of the English Navigation Acts, but, since the Scottish Parliament formed its own tariff, it was possible to take steps for the complete exclusion of goods that

would compete with those of the proposed Scottish manufactures. This scheme was begun soon after the Restoration, when, between 1667 and 1669, three important undertakings were established at Glasgow—one a soaperie and the other two 'sugaries,' but the latter would be best described as rum-distilleries. The capital of two of these works was about £10,000 each, and the soaperie continued in existence till 1785.

It was not till 1681 that measures were taken for more rigid protection of infant industries, and during the next twenty-five years a large number of factories were founded for the making of fine cloth. One of these employed 1000 hands, and another 700.

The great obstacle to the starting of new industries, even inside the wall of the exclusion of competitive imports, was the want of capital. This obstacle was partially removed owing to the great boom in the shares of industrial companies on the London Stock Exchange from 1692 to 1694. English capital began to flow freely into Scotland, and more sugaries and woollen works were founded. The following list, while not exhaustive, will show the nature of this time of activity. In the textile group there were companies for making the linens (1693), for baizes (1693), for sailcloth (1694), to which may be added two ropeworks (1690). Although it was a later development, not being started till 1700, a company for producing stockings by mechanical means may be noted. Connected with mines and metals there may be mentioned a foundry at Edinburgh (1686), a wool

card manufactory (1663), a mineral company (1695), and another for working an invention for draining mines (1693). In the glass industry there were works at Leith (1664), and at Morison's Haven (1696). Of a more miscellaneous character are a company for the manufacture of white paper (1694), two powder works (1690 and 1695), leather works (1695), workers in tortoiseshell, known as the 'Leith comb-makers' (1695), and sawmills, also at Leith (1695). Finally, the foundation of the Bank of Scotland, with its modest paid-up capital of £10,000 sterling in 1695, should not be forgotten.

To a large extent the establishing of these numerous manufactures represents an activity more fictitious than real. To protect the new products it was thought necessary either to prohibit or tax very heavily similar commodities made on the Continent or in England which had previously been imported. It followed that these countries resented the difficulty they experienced in entering the Scottish market, and they interposed difficulties in the way of the admission of Scottish goods. Therefore a Colonial market became essential if the policy of 1681 was to succeed. This constitutes the essence of the Darien scheme. It was pathetic, indeed almost tragic, that this scheme was defeated on the exchanges of London and Amsterdam before a penny of capital had been subscribed in Scotland. Any remote remaining prospect of success was dissipated by bad management and want of capital. Moreover, the stockholders had taken up more stock than they could pay for, and

when a run of bad harvests came towards the close of the century the distress was acute. The New-mills minutes present a picture of widespread default in the payment of interest due on bonds, and it is pitiable to note persons of position petitioning humbly for advances of small sums on account of future dividends. The only escape from the *impasse* was by such a union with England as would open the Colonial trade to Scotland, and at the same time provide immediate cash resources to tide over the time of crisis. The latter condition was fulfilled by the repayment of the sums subscribed to the Darien stockholders with interest at 5 per cent. Thus, if a general statement of the position may be risked, it might be said that the Union as consummated was a political necessity for England and a commercial necessity for Scotland.¹

¹The history of several of the undertakings mentioned above will be found in a series of recent articles in the *Scottish Historical Review*.

X

SCOTTISH INDUSTRY AFTER THE UNION

By W. R. SCOTT

FOR Scotland the Union represented, taking a short view, at the best, a choice of the least of several evils. Historians point to the gain that was supposed to have arisen from the opening of the English market to Scottish products; but they forget that such gain would only accrue in those commodities where Scotland had an advantage. The irony of the situation consisted in the fact that for more than quarter of a century the Estates had been carefully directing the national production into those channels in which it was at a disadvantage relatively to England. Therefore free trade with England meant the collapse of almost all the extremely highly protected industries founded under the Act of 1681. Still, had there been no Union, it is highly probable that, once the Darien project had failed, the whole superstructure would have crumbled—indeed, between 1700 and 1706 this process of distintegration had begun to manifest itself in one of the chief of the new

industries, namely, the fine cloth manufacture. This industry was subject to the initial disadvantage that owing to the use of tar amongst the flocks of sheep the wool was greatly discoloured, and hence it came to be known as 'tarred wool.' It was unsuitable for the finer fabrics which were produced from imported raw material, the native product being used only for the coarser cloths. The cloth manufacturers had succeeded in obtaining legislation prohibiting the export of wool, but it was found that they were unable to consume the whole output of the country even at artificially reduced prices. Therefore, it became necessary in 1704 to repeal the prohibition with the double effect that the cloth trade was considered to be injured, but that, according to Adam Smith, the price of wool improved. When the Act of Union came into operation the Scottish manufacture of fine cloth was unable to stand against the competition of the English makers, and most of the factories were closed or reconstituted. It had been recognised that the inevitable extinction of the Scottish fine cloth manufacture was a hardship, and provision was made in the Act for the giving of a certain amount of compensation. After the reimbursement of the Darien stockholders, there remained of the grant known as the 'Equivalent' a sum of £165,922, a part of which was to be used in the fostering of the coarse cloth, the linen, and fishing trades. A collection of petitions addressed to the Barons of the Exchequer (Edin. Univ. Library) shows that energetic steps were taken to utilise the native wool. Still it was inevitable that

time must elapse before the change from the production of fine to that of coarse cloth could be completed, and it was several years before the woollen trade began to flourish. There was a similar gap in the history of the linen trade, for which Scotland had great natural advantages. Before 1681 exports of Scottish linens to England had been considerable. In 1669 yarns weighing 23,680 lb. had been imported into London from Scotland, and a few years later it was said that between 10,000 and 12,000 persons were employed in this industry. But when Scotland prohibited English cloth, England retaliated on Scottish linens, and the export and production of the latter declined seriously. After the Union the English and Colonial markets were reopened for the import of these fabrics, and while the output increased, it was found that time was needed to secure the full benefit of the changed conditions, since other countries had improved their methods of manufacture during the quarter of a century before the Union, and it was not until the Trustees for Manufactures began to introduce expert workmen from the Continent and Ireland that a great and sustained revival in the industry began. (Minutes of trustees in *Warden's Linen Trade*, pp. 447-9.)

The position of the salt trade after the Union presents some difficulties. As far as the manner of production was concerned, Scotland had great natural advantages, and even before the Union complaints from the owners of salt-pans in England as to the competition of Scottish salt were frequent. Therefore it might be concluded

that the Union would be beneficial in opening a market to this product where it could be sold to advantage. But there was the purely fiscal question. Taxes were now the same in both countries, and it follows that Scottish salt was subject for some years to the previous English Excise duty on this commodity. Therefore, while the Union meant gain in the opening of the English market, the conditions of that opening involved loss of trade with the Continent.

So far it would appear that the immediate effect of the Union produced little direct benefit to Scottish industry, and that in some trades there was actually a balance of disadvantage, while in each case already investigated time was needed to reap the benefits expected. There was one branch of commerce in which it might be thought that good effects from the Union should have been realised at once. It was possible from 1707 for Scotland to trade directly with the Colonies. But for such commerce an extensive capital was required, and in Glasgow and the West there were very few who had sufficient resources to enter on a distant and somewhat difficult trade. At first a few of the more prominent citizens joined together in small partnerships, and they began to develop the tobacco industry. As profits were made others were able to send ships to America, but at first in this, as in the previous cases, time was required to enable any considerable advantages to accrue from the Union.

It will thus be seen that in a number of important industries the effect of the Union in opening the

English market was in some cases temporarily disadvantageous, while in all a considerable interval must elapse before any great prosperity could be experienced. But, if the view advanced in the previous article be well founded, the position in Scotland in 1707 was such that time could not be allowed for a slow process of recuperation. Therefore, unless there had been some source of immediate gain from the Union, the discontent would have been even greater than it actually was, for the financial situation for the mercantile classes would have been an impossible one. This source of immediate gain is to be found in the cattle trade. Scottish cattle could now be sold freely in England, and the prices obtained were far in advance of those hitherto realised in Scotland. The funds obtained from this trade reacted on agriculture, which had remained in the backward condition already described. In the first quarter of the eighteenth century improvements began to be effected by the more progressive proprietors, and although the great majority of the farmers adhered to their 'Gothish methods,' it was at least something that a few had begun to make progress. Moreover, the making of new roads and the improvement of old ones prepared the way for the development of trade once a fresh start had been made. An unseen tendency in the same direction was the gradual diminution in the trading rights exercised by the royal burghs, which had hitherto been used in an exceedingly narrow spirit. (*The Privileges of the Royal Burrows*, Edin., 1707. *Gross Gild Merchant*, Vol. I., Ch. iii., App. D.)

It might be said, then, that during ten or fifteen years after the Union, on a superficial or a partial view, Scottish trade may have appeared to have been at a standstill, or even to have suffered. Certainly it was quite possible to point to individual trades which were less prosperous after 1707 than they had been before, and one or two had failed altogether. Commerce as a whole appeared very dull, and an instance of the stagnation is to be found in a record of the sales of 5s. stamps from 1715 to 1726 inclusive. In the twelve years the number purchased was only 308, with a maximum of fifty-five and a minimum of only eleven (Pet. to Baron's Excheq. Edin. Univ. Lib.). But underlying the apparent stagnation there was real progress. Though there were complaints of extravagance of living (Essay on Ways for Inclosing, p. 232), capital was being accumulated and directed into the new openings provided by the American trade and the linen and woollen manufactures. In 1718 the first Glasgow-owned vessel crossed the Atlantic, and in 1735 the whole shipping of the Clyde is said to have numbered sixty-seven vessels (*History of Glasgow* (1872), p. 1225). An instance of the rapid rate of progress is to be found in the history of the linen trade. Numerous improvements were introduced in the West of Scotland, and new branches of the industry (such as threadmaking) were started. In 1728 the quantity stamped for sale was three million yards, and in 1760 this had increased to eleven and three-quarter million yards valued at £522,153 (*Anderson Annals of Commerce* (1790),

iii. pp. 609, 619). This sum exceeded the value of the whole exports of stockings, plaidings, linen, fish, butter, tallow, coal, lead, and salt in 1695 as returned to the Committee of Trade by 65 per cent. (MS. Minutes, Register House—Parl. Papers, 1895). The foundation of many new and subsidiary industries by the middle of the century contributed to the tide of progress; and, perhaps, most important of all were the psychological consequences of the Union, whereby Scottish merchants were forced out of the comparatively narrow views they had held in the seventeenth century and, as time went on, became able to produce for distant markets. These phenomena had the double effect not only of inculcating such broad views upon economic subjects as enabled Adam Smith to collect much of the material for the *Wealth of Nations* at Glasgow, but also to so equip the industrial classes that at the dawn of the Iron Age of modern progress Scotland was able to bear its part in the new development. The change in the space of three-quarters of a century was most remarkable. In the earlier period both machines and skilled workmen had to be brought into the country at great expense. The methods of production in England were imitated slavishly, and not always with success. Often the raw material was spoiled in the process of manufacture; for instance the New-mills Cloth Company, after it had been established for twenty years, had often to receive back cloth on which the nap was found to be uneven, the colour bad, or even in some cases because the web was found to be 'full of holes.'

By the middle of the eighteenth century Scotland had not only escaped from the reproach of being a backward country in industry, but was able to contribute very greatly to the great inventions which characterised the second half of that century.

XI

GLASGOW AND THE UNION

By ROBERT RENWICK

THE proceedings which resulted in the Union accomplished in the reign of Queen Anne were not the first of that nature in which the inhabitants of Glasgow had taken an active interest. When King James, shortly after his accession to the Crown of England, projected an incorporating Union of the two kingdoms, the Bailie representing Glasgow in the Convention of Burghs desired to be one of the number of eight who should 'pas to England for the mater of the Unioun.' But others were chosen, and Glasgow's assistance was confined to reluctant payment of a share of their charges. Nearly fifty years later the proposals for union made by the Parliament of the Commonwealth of England appear to have caused considerable stir in the city. In the early months of 1652 Commissioners from Westminster, sitting at Dalkeith, were receiving deputies from the shires and burghs, empowered by their constituents to

declare acceptance or rejection of the proffered terms. Forty-four out of fifty-eight burghs accepted, while three, including Glasgow, which had the distinction of being the first town to send deputies, lodged formal dissents. The reasons of Glasgow's dissent, declared at a public assembly of the citizens, were mainly based on religious scruples, the 'vast and boundless toleration of all sorts of error and heresies,' but objection was also taken to the vagueness of the scheme for future government. Continuance of municipal disfranchisement, and the quartering on the city of nine companies of horse and foot, made up so effective a rejoinder by the Dalkeith Commissioners that other two deputies with new instructions were forthwith appointed, and the former dissent was turned into hearty acceptance before many days were over.

The benefits of open trade experienced under the Protectorate came to an end with the Restoration, and the Navigation Act then passed made matters worse, leading to periodic Commissions endeavouring to adjust an incorporating union between the two countries. These renewed efforts culminated in 1706, when, as the result of prolonged negotiations of commissioners on each side, the articles for the Treaty of Union were submitted to the Scots Estates in October. Majorities in each of the constituent members of that body, lords, barons, and burghs, were in favour of the scheme, but in consequence mainly of outside agitation alarming manifestations of popular feeling against it were shown. The opposition was in great part

traceable to the Jacobites, but other influences were likewise at work. The Cameronians, Episcopalians, and Papists had each their grievance, while not a few were influenced by the patriotic sentiment, feeling and expressing a dread of their ancient country becoming a province of the larger nation. This agitation was energetically fostered by numerous denunciatory pamphlets against the Union appealing to the several prejudices of the opponents, and it was confidently asserted that the promised participation in free trade would prove a delusion. Addresses against the Union were presented to Parliament both from shires and burghs. The nature of the representations from the burghs may be gathered from an address by the Convention of Burghs, agreed to by a majority of that body on November 5, the day after the first article of the Treaty had been approved by a majority in Parliament. Stating at the outset that the burghs are 'not against a honorable safe union with England, consisting with the being of this kingdom and Parliaments thereof,' strong objection was taken to a union into a kingdom, by which the monarchy would be suppressed, the Parliament extinguished, 'and in consequence our religione, Church government, Claim of Right, laws, liberties, trade, and all that is dear to us, dayly in danger of being encroached upon, altered or wholly subverted by the English in a British Parliament, wherein the mean representatione allowed for Scotland can never signifie in securing to us the interestes reserved by us or granted to us by the English.' It was farther objected that

'our poor people are made lyable to the English taxes, which is a certain unsupportable burden, considering that the trade proposed is uncertain, involved, and wholly precarious.' Parliament was therefore asked not to conclude the projected incorporating union, but to support and maintain the true Reformed Protestant religion and Church government, the sovereignty and independence of the Crown and kingdom, and the rights and privileges of Parliament. In this Convention Glasgow, then a town with about 12,000 of a population, was represented by Provost Aird. The city's representative to Parliament, elected by the Town Council, was Hugh Montgomery of Busby, who had held the Provostship for two years in 1701-3, and had been one of the Scottish Commissioners for adjustment of the Treaty of Union. While the Convention thus petitioned against the Union, Parliament had, on the preceding day, passed the first article by a vote in which the burghs were in a majority of thirty-three to twenty-nine. Glasgow's representative voted in the minority.

In furtherance of the opposition to union, the General Assembly of the Church appointed a solemn fast for expiation of the sins of the land. On the occasion of this fast being held in Glasgow, or rather the day after (November 7), the minister of the Tron Kirk, James Clark, who was married to a sister of Hugh Montgomery, preached a sermon directed against the Union, and in the course of his oration proclaimed that it was necessary to use other measures than addresses

and prayers. Regarding this as an incentive to the adoption of physical force, a mob immediately assembled, at beat of drum, and much disorder ensued. Daniel Defoe, then in Edinburgh as an agent of the English government for promotion of the Union, was keeping Robert Harley, Secretary of State, regularly advised of the proceedings, and on November 13 he wrote that 'the rabble at Glasgow has been very tumultuous.' In his elaborate *History of the Union*, Defoe says that the day after the fast the deacons of crafts and other trades people went to the Provost at the Council-house and 'demanded of him, very rudely, if he would address,' meaning apparently that they desired Glasgow to send to Parliament, as some other burghs were doing, an address against the Union. This the Provost declined to do, and when his decision was announced outside, 'the people fell a shouting and raging, and throwing stones, and raised a very great uproar.' Defoe blames the deacons for not using more discretion, reasoning with and soothing the 'rabble,' and proceeds to state that the latter 'flung stones at the windows, and as much as they could insulted the Provost; but he found means to withdraw, so that they could not hurt him for that time.' But they proceeded to the Provost's house, took from it twenty-five muskets and other arms, and likewise attacked the dwelling of another citizen who was known to be a supporter of the Union, and broke his windows. The mob afterwards set about the getting up of an address to Parliament, and, says Defoe, 'many a mean step they took to get hands,

by threatening, affrighting, hurrying people into it, taking youths' and mere children's hands to it. Every man that refused to sign it was threatened to be rabbled and have his house plundered, which made a great many timorous people sign it that did not approve of it.' Within a few days the address was taken away by four citizens for presentation to Parliament, on all which Defoe remarks that, 'If the multitude of addresses which have been boasted of as a declaration of the aversion of the people to the Union may be guessed at by this, those gentlemen who bring this as an argument have small reason to boast, and need not be very forward to have the particulars examined into.' Quietness now prevailed for a time till the 'rabble,' seizing on an incident connected with the imprisonment of some one for stealing a musket from the Provost's house, broke into a wilder state of lawlessness than before, attacked the Provost, ransacked the houses of citizens in search of arms, which they took by force, ranged through the streets, doing as they pleased, and 'no Magistrate durst show his face to them.' At this stage (Saturday, November 16) the Dean of Guild and Deacon-Convener, with their respective houses of merchants and crafts, took matters in hand, and, with the view of settling 'the late tumults and uproars that have been in this city, and the indignitys and abuses done to the Magistrats in the tumults, to the great scandall and opprobry of the place, wherby the Magistrats cannot in safety to their persons officiat, nor the inhabitants be protected from injuries,' proposed

that the town's guard should be duly kept, that a whole company be mounted at once, that every master of a family appear in person, sufficiently armed, or, if personally unfit, provide a substitute to the satisfaction of the captain of the guard, that the guard, summoned by beat of drum at two, be mounted every day at three in the afternoon, and to continue on duty till next day at the same hour, when they were to be relieved by another company, and so to serve in rotation. When any tumult arose, members of the merchants or crafts were to attend on the guard and assist in quelling the disturbance; all women, boys, young men, and servants above three in number at a time, were to be strictly prohibited from appearing on the streets after cloud of night; and all masters of families were to give up to the captain of the guard names of strangers harboured in their houses. On Monday following the Town Council met and adopted these recommendations, ordered the observance of the rules under a penalty of £5 for each contravention, and directed proclamation to be made by tuck of drum, requiring all the 'fencible' men to be on the Green by noon to receive instructions. Writing to Harley on November 19, Defoe says: 'Glasgow is mad. I was going to see what I could do there, but met several of the honest people flying, and all advised me not to venture. So I have much against my will played the coward and made my retreat, but I think to go the next week incognito, if it be practicable, only to observe and be able to give you exact particulars.' November 23: 'At Glasgow

we hear of no more tumults, though there was a flying report of 15,000 men got together.' A Jacobite named Finlay, who had formerly been a sergeant in a Flanders regiment, seems to have put himself at the head of the insurgents, setting up a rival guard at the 'upper end of the town, near the Cathedral,' and having raised a small force of about forty-five men he marched with them towards Hamilton, but, disappointed to find that no army had gathered there, the would-be warriors returned to Glasgow, when Finlay and another ringleader were seized by a company of dragoons and carried prisoners to Edinburgh. On December 7 Defoe, unacquainted with the actual facts, and listening to the exaggerated rumours which were afloat in Edinburgh, wrote to Harley that the 'rabble' in Glasgow had grown to such a height that the Magistrates and honest townsmen pressed for some soldiers to be sent with all speed, it being reported that the mob had taken possession of the Castle of Glasgow and killed several of the dragoons, though this was contradicted, and that they 'kept a court of guard in the Bishop's house, which is the remains of an old castle, but I cannot think they will defend themselves there. We expect the event here with great impatience.' After the ringleaders were carried off by the dragoons the 'rabble' again overpowered the Magistrates, and sent two of them to Edinburgh to procure the liberation of the prisoners under threat of burning their houses; but the Privy Council, before whom they appeared, 'bid them go home and take better care of the peace of the city.' On December 14

'the rabble at Glasgow are not yet quiet, though not so dangerously uneasy as before. However, the Government has thought fit to order a detachment of foot and dragoons to march thither to protect the Magistrates.' References to the military occupation are contained in the city's accounts, such as a payment of £21 6s. 'to a party of dragoons quartered on the town,' and another of £148 10s. 'for corn and straw to the dragoons in December, 1706.'

Meanwhile the Privy Council and Parliament had been considering the condition of affairs in Glasgow and the Western shires, and a proclamation was issued (November 29) against 'all tumultuary and irregular meetings and convocation of the leidges.' When trying to read this proclamation at the Cross, the town officers were assailed with stones, and notwithstanding the efforts of the town guard they were overpowered, and the disorderly element again prevailed. A few days afterwards the dragoons visited the town, as already mentioned, and subsequent detachments helped to restore quietness. And 'thus,' says Defoe, 'ended this petty war, being the only violence we meet with in the whole transaction.' Following on some complimentary references to Glasgow, he adds: 'But for the city of Glasgow, it is clear not a citizen of any note, not a Magistrate, not a merchant, not anything that may be called denominating to a place, but what abhorred it, and as far as they durst opposed it; and I think it is hard they should first fall under the misfortune, and then under the scandal of it, too; and

for that reason I have been thus particular in the story.'

These reports and opinions, proceeding from an avowed propagandist of the Union movement, may be supplemented by quoting the remarks of a notable Jacobite politician and writer. In his *Memoirs concerning the Affairs of Scotland*, published in 1714, George Lockhart of Carnwath, alluding to 'the temper and behaviour of the people of this nation' at the time when the Treaty of Union was being discussed in Parliament, says: 'The first that made any formal appearance was the town of Glasgow, the Provost and Town Council opposing the subscribing of an address to Parliament against the Union; great numbers betook themselves to arms, drove the Magistrates out of town, insulted everybody that they thought favoured, or was so much as lukewarm in disclaiming, the Union; mounted guards, and rambled about for two or three days together; but a strong detachment of dragoons being commanded thither, surprised two of the chief leaders, Findlay and Montgomery (both mean artificers), brought them prisoners to Edinburgh Castle, and the mob soon thereafter dwindled into nothing.'

Succeeding on prolonged discussion, clause by clause, the last division on the passing of the Act approving of the Treaty of Union was arrived at on January 16, when approval was carried by 110 to 69. Thirty burghs were in the majority, and twenty, including Glasgow, in the minority. It had been arranged that the first representatives from Scotland to the British Parliament should be

chosen by the Estates from their own number. The election was made on February 13, and among the fifteen representatives for the burghs was included Hugh Montgomery, the only one of the fifteen who had opposed the Union. In some Glasgow histories a mythical knight, 'Sir John Johnston,' is said to have been the first commissioner for the Glasgow group of burghs; but there can be no doubt as to who was the commissioner actually appointed. The first Parliament of Great Britain assembled at Westminster on October 23, 1707.

Under the Cromwellian Union (1652-9) the Scottish burghs had among them ten representatives, one of whom was chosen by a group consisting of the burghs of Lanark, Glasgow, Rutherglen, Rothesay, Renfrew, Ayr, Irvine, and Dumbarton. In 1707 Glasgow was conjoined with the burghs of Dumbarton, Renfrew, and Rutherglen, and the first election took place in May, 1708. On the 25th of that month Robert Rodger, Provost of Glasgow, produced to the Town Council a writ, under the hand of the Sheriff-Depute of Lanarkshire, requiring election of members to the Parliament of Great Britain, to be held at Westminster on July 8 ensuing. The Town Council were required to elect a commissioner, 'as they used formerly to elect commissioners to the Parliament of Scotland,' which commissioner was to meet on May 26 with those appointed by the other burghs in the group, at Glasgow, 'as being the presiding burgh of their district at this time,' and then and there to choose a burghess to represent the

four burghs in Parliament. Provost Rodger was appointed commissioner, and, when the time came, he was likewise chosen as the representative sent to Westminster.

In those days the expenses incurred by burgh representatives in fulfilment of their Parliamentary duties appear to have been borne by their constituents. On May 8, 1707, the Town Council authorised their treasurer to pay to Hugh Montgomery £708 12s. Scots, whereof £636 were his charges and expenses attending the Parliament at Edinburgh as commissioner for the burgh for 159 days, from October 8, 1706, to March 15, 1707, at £4 (6s. 8d. sterling) per day; £42 12s. were 'for remitting the minutes of Parliament to the Magistrates,' and the remainder for the hires of horses to and from Edinburgh. In his *History of Glasgow*, Gibson states that the Town Council paid to Hugh Montgomery for his attendance in Parliament from October, 1707, to August, 1708, £2160; to Provost Rodger, from October, 1708, to April, 1710, being two sessions, £4800; and to Dean of Guild Smith, from October, 1710, to October, 1715, being five sessions, £12,224, all Scots money, making up a total of £1598 sterling.

Gibson seems to have been satisfied with the results of the Union from a commercial point of view. As an ecclesiastic, and impressed with the ideas entertained by many of his profession at the time, Robert Wodrow anticipated little good from the change. Referring to the loss sustained by Glasgow merchants in 1709 through a fleet going to Holland being taken by the French, he

remarks: 'I wish trading persons may see the language of such a providence. I am sure the Lord is remarkably frowning upon our trade, in more respects than one, since it was put in the room of religion, in the late alteration of our Constitution.'

XII

SOCIAL LIFE IN EDINBURGH AFTER THE UNION

By JAMES COLVILLE

THE Parliament Close of Edinburgh, of old the graveyard of the city, where repose the ashes of John Knox, had been from Reformation times the centre of national life. The Parish Kirk of St. Giles bounded it on the one side. The other sides were covered by the Parliament House and the tall *lands* that overhung the Cowgate—scene of the great fire of 1700, which rivalled in vehemence that of London, according to Forbes of Culloden, who saw both. The only exit from the square issued eastwards upon the High Street, just where the *Mercat Cross* looked down upon a hive of human industry and pleasure which for picturesque grouping and varied clamour was unique in Europe. The quaint Netherbow Port, where the city ended and the burgh of Canongate began, closed in the vista. Maitland (*History*, 1754) helps us to fill in the picture with the booths of the craftsmen, who, being freemen, furnish their own stands, and pay no custom dues. These worked in copper, brass,

white iron or *lautin*, and wooden ware for domestic use, earthenware being but seldom seen. Fruit and herb women lined all the north side of the *causey*, from the Cross as far down as the Tron Church. Of the lofty rookeries on either hand the contemporary visitor tells us that the stairs are unsightly and unhandy, being built out on the street for every storey, forming the well-known turreted turnpikes, steep, narrow, and fenceless. New houses have the staircases inside, the scale stairs of the time. Many fore-stairs, too, built on to the footpath, half conceal some subterranean booth or perhaps a kennel where a street porter or *cawdy* resides, with, mayhap, the harmless, necessary sow to keep him company. Down both sides of the street are to be seen the frequent side streets, like the *Gassen* of an old German town. The whole situation is thus bluntly described by Morer, who visited Edinburgh as a chaplain with the army of General Mackay, of Killiecrankie fame: 'The lanes from the High Street to the Cowgate' (the parallel street in the lower town to the southwards) 'are steep and nasty, without boghouses which they rarely have. Edinburgh is like an ivory comb with teeth on both sides, very foul, though the space between is clean and sightly.' The closes on the north side ended abruptly in the valley of the Nor' Loch. By Halkerston's Wynd, on the line of North Bridge Street, a thoroughfare led to the north across the east end of the loch and out into the country by the hamlet of Mouter's Hill, the site of the present Register House, and so on to the Barony of

Broughton, the Gorbals of Edinburgh, or down the slope to Canon Mills and Stockbridge, or westwards by the Lang Gait on the line of modern Princes Street.

The street wynds on the south side of the High Street gave access to the Cowgate. The chief thoroughfares among these were Post Office Close and Libberton Wynd—a little farther west, but swept away by George IV. Bridge. The former, crossing the Cowgate, led up the slight ascent of the Horse Wynd, and so out into the country through the Potterrow Port in the City Wall; the latter led by Candlemaker Row (formerly Gallowgate) to Society, or Bristo, Port—long the chief exit southwards from the Grassmarket, the great square of the lower town at the west end of the Cowgate. This street (the Cowgate) was still comparatively new, offering an alternative *faubourg* as a fashionable residence to the aristocracy of the burgh of Canongate, outside the Netherbow Port. Farther eastwards the College Wynd led up to the gateway of the University, 'very humble in building and equipments,' says the chaplain already referred to. This poor structure served throughout the century, and borrowed lustre from the greatest names in the literary revival. Within sight of the College (for no Infirmary intercepted the view until 1738) stood the High School, on the site of the Blackfriars' Monastery, and immediately beyond was the third great outlet from the city southwards. This was the pleasance—so named from a nunnery dedicated to S. Maria de Placentia—on the main road to England by Kelso. Hither came

travellers, finding poor accommodation in the inns that clustered round the Cowgate port near by. From this point they might reach the High Street by Blackfriars' Wynd—scene of the fierce fight of *Clear the Causey*—or continuing straight on by St. Mary's Wynd they might enter from the Canongate through the Netherbow. As the Cowgate Port was the extreme limit of the lower town at the east end, so the West Port, outside the Grassmarket, was the corresponding one in the other direction. From the Grassmarket one passed to the upper town by a narrow lane leading steeply up to the front of the Castle Esplanade, or by a crooked street of great historic interest and antiquity that passed through the West Bow, a gateway in the old city wall erected after Flodden. Arrived in the upper town close by the Weigh-House, which faced the head of the West Bow Street, one might proceed upwards to the Castle Esplanade, the only airing-ground of the citizens within the walls. Such holiday recreations as it afforded must have found little favour with the Town Council of the day, for a decree of 1709 complains that 'the Lord's Day is profaned by people standing in the streets, and *vaguing* to fields, gardens, and the Castle Hill.' Down the Lawnmarket, in the other direction, the city prison or Tolbooth is seen towering aloft in the foreground, and high above it the Gothic 'bridal crown' of Saunct Giles. On but two sides could the church be said to stand clear—the Parliament Close on the south and the Cross on the east. The Tolbooth and the Goldsmith's Row blocked

most of the west front, while the street space on the north side was nearly covered by a continuation of the Tolbooth forming the lofty narrow tenement known as the Luckenbooths (all removed in 1817). The passage on one side of it was wider certainly than the wynds, but it was still narrow, whilst on the other it was a tortuous burrow of Chinese proportions, working its way round the buttresses of the church wall, with mean booths in dark recesses where poor hucksters plied their shady calling. This was the Krames (Ger., Krämer, a huckster). At the time of the Union the whole scene hereabout must have looked much as it did in Dunbar's time :

'Your Stinkand Stile that standis dirk (dark)
 Haldis the licht frae your Parroche Kirk (St. Giles),
 Your fore-stairs makis your houses mirk
 Like nae country bot here at hame.
 At your High Cross, quhair gold and silk
 Sould be, thair is but crudis and milk,
 And at your Trone, but cokill and wilk.
 Paunches (tripe), puddingis of Jok and Jame.
 Think ye nocht shame?
 Tailyours and souteris, and craftis vile
 The fairest of your stretis dois fyle,
 And Merchauntis at the Stinkland Stile
 Are hamperit in ane honey-came.'

[The Krames.]

'To the Merchauntis of Edinburgh.'

In Allan Ramsay's time this lane, which led into the porch of St. Giles between the Tolbooth and the Luckenbooths, still bore its unsavoury name. He avers that if his reader

'Will keek (look) but up thro' the Stinking Stile,
 On Sunday morning a wee while,
 At the kirk door, out frae an aisle'

then the wraith of John Cowper—the departed beadle—will appear.

Such narrow limits we are to imagine as the scene of the Union and Porteous Riots and the Jacobite invasion. ‘Scarce as big as York or Newcastle,’ says our chaplain, ‘it is yet populous and well supplied with beggars. The people are very proud, and call tradesmen *merchants*’—a remark made again and again by strangers, and well brought out in the scene at Crackenthorpe’s inn, where the burly Cumberland host says to the penniless but dignified Peter Peebles of *Redgauntlet*—‘A gentleman! not a blue-cap among them but halts upon that foot!’ ‘They dress their food,’ continues the chaplain, ‘after the French fashion, though perhaps not so cleanly; soup commonly the first dish, reckonings dear enough, and the maids have neither shoes nor stockings. Gentlemen drink brandy or claret at 10d. a mutchkin’ (Scotch half-pint, equals English quart). ‘But the universal drink is beer, home-brewed, and often served when scarcely cold.’ Saunders Fairford in *Redgauntlet*, discussing with Alan the legal peculiarity of the Doch-an-dorris or stirrup cup, tells of the case of the cow drinking up the *browst* which had been left at the door to cool. The owner of the cow, sued for costs, repelled the plea on the ground that the drink was taken standing, and therefore, according to brewster’s custom, not charged.

Dr. Somerville of Jedburgh’s reminiscences of the olden days show that tea was then regarded as a medicinal rarity. ‘I have heard my father say

that tea was prescribed by the physician to his mother when she was indisposed, and that it was sold at 25s. a lb. This must have been before or soon after 1710. I have inspected the household books of the Duke of Queensberry from 1697 to 1708, in which every article of diet is recorded, but tea is never mentioned. The Lady Duchess's breakfast consisted of pigeon-pie, saddle of mutton, and the like substantial fare.'

In dress, the habit was mostly English, but the meaner sort wore bonnets or *thrum-caps* instead of hats; and plaids instead of cloaks were used by women going to kirk or market. The head as well as the body was covered with the plaid, so that it served both for scarf and hood. The *quality* went thus when they wished to be disguised, or when the weather was stormy.

The capital was not without amusements. During the winter there was a concert every Saturday evening at five o'clock in Bailie Fyfe's Close, near the Netherbow (north side), and the fame of the amateur performers—such as the Earl of Kelly and Lord Colville—lives in the verse of Ramsay and in Defoe's *Caledonia*. Alexander Campbell (his brother, John, tried to teach the hopelessly *timmer* Walter Scott church music), writing in 1800, tells of an old lady, daughter of the witty Dr. Pitcairn, recalling with pride how she went to a concert with *papaw* in the year '10, held in the tennis court in the Watergate beside the Palace, on the main road to Leith. (This concert-room was turned into a weaver's shop, and was burnt down about 1776.) Here the early com-

panies of strolling players performed until Madame Violante appeared in a room in Carruber's Close. But Leith Links afforded the most popular sport—golf out of doors and cocking in a covered cock-pit. To witness the latter exhibition a front seat cost 10d., a second row 7d., and a third 4d. The Magistrates forbade this sport on the street, but the passion for it was indulged in by all classes.

In those days chairs were common on the High Street for use or ostentation. A few hackney carriages could be had for country hire, if urgent, but the roads were such that riding was preferred. Great men used on occasion a coach and six, but lusty footmen walked on each side to keep it up in the rough places. The shoulder-knots which serving-men still wear as ornaments are a relic of the ropes they then had to carry to mend the *tow-graith* on trying occasions. In the provinces a coach was a most wonderful sight. When Wade's new roads made such a thing practicable, his chariot, drawn by six big horses, produced great excitement. It was brought from London by sea, and when passing along the roads the people ran from their huts, bowing with bonnets off to the coachman as the great man, quite disregarding the *quality* within.

As an intelligent Churchman, our chaplain has something to say of two institutions that were to serve till the era of the Reform Bill as outlets for political interest after the loss of a native Parliament. These were the Court of Session and the Church. Both play a remarkable part during the century. Our authority notes—as features new to

him in churches—the galleries, the precentor under the pulpit, and beneath him the stool (or rather bench) of repentance, made to hold five or six persons. Some of the Edinburgh churches were ‘not used at all, and of the rest all but the Tron and the High Church were thinly attended. The precentor, half an hour before the preacher appeared, read two or three chapters, till stopped by his superior, when he set a-psalm-singing with the people. The preacher then signed to him to give over, and began the confession of sins.’ [In a north country church one day the minister ventured to give out a new and therefore *kittle* tune, when the precentor, looking up from the *letterin* (corruption of lectern), quietly said, ‘I doot ye’ll hae to try that ane yersel, Maister Davidson.’] The sermon was always memorised by the clergyman. Then followed the general prayer, and the service ended with the Lord’s Prayer, a psalm suited to the subject of the sermon, the benediction, and the dismissal. Episcopal and Presbyterian practices were virtually the same, except that the former used the Doxology. Discipline was the same. ‘The distinction between Churchman and Presbyter,’ says the chaplain, ‘is merely nominal, a very little charity might unite them,’ all of which is worth noting as we are now at the parting of the ways ecclesiastical.

The Presbyterian majority was formed of burgesses and commons, and in some shires a great proportion of the gentry. Hence in *The Fifteen Mar* could not raise three men on his own estates at Alloa. Kenmure in Galloway and

Winton in East Lothian, and all the insurgents then as well as in the *Forty-five* who had Lowland estates, were in the same case. The non-juring, or Episcopalian minority, had a strong hold of society in the capital, and it alone kept alive the spirit of sport, concerts, dancing, and general *bonhomie* and gaiety. This explains the Jacobitism of Allan Ramsay, Burns, and Scott. The great Edinburgh wit of Queen Anne's time in Edinburgh, the Horatian Dr. Pitcairn, was of this school, and a great thorn in the flesh to the Evangelical leader, Dr. Webster. Like Chaucer's doctor, his thoughts were not greatly on the Bible. The doctor had to take shelter from the rain one day in the Evangelical Tolbooth Kirk, with St. Giles. Slipping into a pew near the door he found himself beside a grave listener to the fervid preacher. 'What the de'il gars the man greet that way?' asked the doctor. 'Deed, neebor, had you to stand up there for an hour and ha'e naething to say, you wad maybe be gled to greet yoursel!'

The loss of the stir and glory of the Parliament was deeply felt in the capital. The Estates rode to Parliament Close from Holyrood up the Canon-gate, under the shadow of their own stately town-houses, along 'the croon o' the causey' and beneath the gaze of admirers from crowded fore-stairs, close-heads, and towering turnpikes. The Assembly Commissioner's procession was the survival of the Riding of the Parliament. I had the good fortune to see, from a window in the Canon-gate, the very last Commissioner's procession by

this historic route. To both classes of citizens—Jacobite Separatist and Unionist Whig alike—the change was distasteful. It proved the ruin of the Canongate, the Strand and erewhile fashionable suburb of Edinburgh. It was deserted for London by the Peers, as Allan Ramsay sings in his ‘Elegy on Lucky Wood’ (1717), who kept a homely and tidy alehouse there, a place of much resort :

‘O, Canongate ! puir eldritch hole,
 What loss, what crosses dost thou thole (endure) !
 London and death gar thee look droll,
 And hing thy head ;
 Wow, but thou hast e’en a cauld coal
 To blaw indeed !’

The *approvers* of the Union were very unpopular. Lord-Chancellor Seafield, blaming his brother, Patrick Ogilvie, for adopting cattle-dealing as a trade amid the decay of the family, was met by the retort, ‘Haud yer tongue, man, better sell nowt than nations.’ Even the Whig clergymen disliked it. Scott tells of one who for fifty years never preached without a hit at the Union. Patrick Walker, in his *Life of Peden* (1727) says, ‘One of its evil results was mingling with the English who, among other abominations, train their children to say Mama and Papa—a custom which is one of the causes of God’s wrath to Scotland, as shown by the prevalence of burning fevers and agues before unknown.’

XIII

LITERARY REVIVAL IN SCOTLAND AFTER THE UNION (I.)

By J. H. MILLAR

THE distinction between *post hoc* and *propter hoc* (assuming always, with due deference to David Hume, that such a distinction exists) is never very easy to draw in determining the relation of political and social conditions to literature. Why no one appears to have been born in Scotland during the last quarter of the seventeenth century with 'a passion for literature' destined to become 'the ruling passion of his life and the great source of his enjoyments,' is as profound a mystery as the circumstance that a person so equipped, and fated to be among the first of British philosophers, should have made his bow upon the stage of life in 1711. Such facts will ever elude explanation, notwithstanding the desperate efforts of Mr. H. G. Wells and other quasi-'scientific' Partridges to penetrate the impenetrable. The most that we can venture to affirm is that, had such a being appeared upon the scene thirty or forty years earlier than he actually did, his activities might have been diverted

by the stress of political and religious faction into much less congenial channels. All of us can see, in the case of men of letters who have risen to the first rank, that their surroundings (or 'environment,' if anyone prefers the cant phrase), however various, were favourable to such a process. But we could not have predicted it *ab ante*, and in these matters the judicious course is to rest content with being wise after the event, which is obviously by far the least fallible form of wisdom.

That the Union of 1707 completed a chain of events likely to create the atmosphere most propitious to a literary renaissance no one now can fail to recognise. The Revolution Settlement, it is true, had not pleased everybody. There were, of course, the Episcopalians and the Jacobites, whose numbers in the North were not inconsiderable. There were also at the opposite pole of thought extremists, like precious Mrs. Gordon of Earlstoun, who groaned at the 'intricate dispensations' which it had brought in its train to Zion, or, in other words, were grievously disappointed at being baulked of the prospect of 'seeing their desire upon their enemies'—the standing topic of consolation to many singular Christians during the era of 'persecution.' Nevertheless, it is indisputable that the resettling of the Establishment upon what some considered an Erastian footing put a definite period to the squalid ecclesiastical brawls which for fifty years had desolated the land and 'deaved' the people. And, the religious difficulty having been thus got out of the way, it remained but to lay the political unrest

which a century's uneasy alliance with England, depending solely upon the 'golden link' of the Crown, had inevitably brought about. After a long course of abortive and discouraging effort, this end, too, was attained, and a cause of almost incessant friction successfully removed. A certain number of grievances, no doubt, persisted, but Scotland was now free to attend to her real interests and to see to her own development; free, moreover, for most theoretical, if not practical, purposes, to think as she pleased, and at leisure to think about what she pleased. There was still a strong current of intolerance in public opinion; but the claws of fanaticism had been pared, and public opinion without the arm of the civil magistrate to back it up is capable of doing comparatively little harm, though it can give a good deal of trouble.

In effect, the conditions thus sketched produced their natural results. A time of refreshing in matters intellectual and literary was felt to have arrived, though some years elapsed before much tangible fruit of value could be gathered. The printing press became more active. Neither the *Edinburgh Courant* nor the *Scots Post-man*; to be sure, meddled much with letters, save for an occasional advertisement of the wares of some enterprising printer like James Watson. But there were imitations, though decidedly feeble ones, of the new sort of periodical literature which was creating a sensation in London, such as *The Mirror*, and *The Tatler* (by Donald Macstaff, of the North, believed to be Robert Hepburn, of

Bearford), of which only No. 38 appears to survive in the Advocates' Library. More significant perhaps was the formation of clubs or debating societies for literary conversation and mutual improvement and edification in literature. The Rankenian Club, for example, included many men of position and celebrity during a career which extended from 1716 to 1774. At a later date the Select and Speculative Societies served a similar purpose. In an age like our own, when everything seems to have been discussed and not much ascertained, we can only envy the secret of perpetual youth which enabled middle-aged and elderly men to find relaxation in frequently repeated argument. In the singular figure of Henry Home, Lord Kames (1696-1782)—the Brougham of his generation—we see comprehended the intellectual tendencies of the period, and cannot but admire the extraordinary enthusiasm he displayed for all branches of speculation and inquiry. 'We must everyone of us acknowledge Kames for our master,' was the verdict of Adam Smith, though Hume's criticism was very different.

Most significant of all was the movement in the Universities. It was not merely that the occupants of some of the scientific chairs were more learned and efficient than at any previous date, though men like Colin Maclaurin, Robert Simson, and Alexander Monro would have done credit to any University in any age. It was not merely that men like Dunlop in Glasgow and Thomas Riddiman in a humbler sphere (though scarcely in a

less degree) endeavoured, with gratifying success, to put classical learning upon a solid foundation. Nor, again, was it merely that teachers like John Stevenson, who held the Chair of Logic and Rhetoric in Edinburgh from 1730 to 1775, rendered invaluable service in opening the minds of their pupils to the beauties of literature proper. The worst regulated educational institutions have been lucky enough now and then to count on their staff instructors of a high order. The chief agencies in restoring the Universities to their commanding position were the dethronement of the 'regents,' the systematic organisation of the professoriate, and the establishment of the professorial monopoly—all which reforms date back to the earlier years of the eighteenth century.

The main object of the new movement—after the pursuit of 'enlightenment' and culture in their widest sense—was the acquisition of the modern English style of writing as practised by Steele and Addison. So far as speech was concerned, no concerted attempt was made for many years afterwards—in point of fact till Sheridan's ludicrous and ill-starred venture in 1761—to tone down or obliterate the characteristic national peculiarities. One man might speak broader than another. Dr. Robertson's speech was very broad, so was James Thomson's, and so was Harry Dundas's. On the other hand, Charles Areskine of Tinwald's and Dr. Alexander Carlyle's were purer than that of most people. But educated Scotsmen, one and all, whether they stayed at home or whether, like Thomson, Armstrong, and a hundred others, they

took the road to London, continued in their daily life to speak the northern English in the tones and with the accentuation of their forebears. Malloch, or Mallet, as he chose to call himself, was the only Scot whom the jealous ear of Johnson 'never caught in a Scotch accent.'

No one has yet traced (as Sir Arthur Mitchell recently pointed out to the Scottish Text Society) the gradual decline of the old Scots prose in the seventeenth century. One element which must have operated powerfully towards its extinction was the dissemination of the A.V. of the Scriptures, and the constant use made of it by the Presbyterian ministers. The dialect of the Covenanters and their partisans is, indeed, a curious jargon, compounded partly of Biblical, partly of legal phraseology, with a liberal infusion of expressions which are neither the one nor the other, but which became *voces signatere*, as it were, to represent certain familiar conceptions in common use. In competent hands it can be used with excellent effect. Which of us would have the inimitable Wodrow other than he is? But Wodrow was a survival from a bygone age, not a worshipper of the rising sun. His vocabulary and idiom lingered long into the eighteenth century, embalmed in devotional tracts and sermons for popular consumption. Such were Stevenson's *Rare Soul-strengthening and comforting Cordial for old and young Christians* (1728), or John Howie's well-known work (1775), probably the last genuine example of a strange *genre*. In the first number of the original *Edinburgh*, Professor

Jardine rebuked Boston for his employment of Scottish vulgarisms. But in the superior ranks even of the evangelical clergy this manner early underwent considerable modification. The Church of Scotland has seldom lost a more promising son than William Dunlop, Professor of Church History in the University of Edinburgh, who died in 1720 at the age of twenty-eight; and it is plain from his charming memoir of Guthrie of Fenwick that he, scarcely less than those whose views were of a 'moderate' complexion, had come under and yielded to the influence of the humanising movement which drew its inspiration from England.

Apart from the diction and vocabulary associated with the 'Saints,' the prose written for publication by members of the educated class in Scotland immediately before and after the Revolution was not the Scots prose of a hundred years before. To take a random instance, no distinctively national flavour is perceptible in the discourse delivered in 1690 to the Lords of the Justiciary at the opening of the Court by the Earl of Lothian, Lord Justice-General. So, too, with the writings of the most accomplished Scotsman of his time, Sir George Mackenzie. Here and there we may light upon a legal phrase which would be impossible for an English writer, such as the inquiry (in *The Religious Stoic*), 'Who lodges upon the surface of our globe who pays not as the *reddendo* of their charter to those gods whom they worship ceremonial adorations, wrapt up in most submissive rites?' But such tell-tale metaphors excepted, there is little or nothing in his writing to proclaim

Sir George's nationality, albeit he avows a decided preference for the vernacular as an instrument for the pleader's use in the law Courts, and doubtless accommodated his practice to his theory in this respect if not (as his enemies would aver) in the matter of religious toleration.

Mackenzie's English prose is of the more stately and old-fashioned type. It was the slighter and more flexible vehicle of expression, popularised by the *Tatler* and *Spectator*, which became the object of imitation for all who pretended to refinement and superiority of mind. But the pattern proved the reverse of easy to copy. For one thing, the current vocabulary of the Scot had to be rigorously castigated. Late in the century Beattie—by no means the least notable among our men of letters—compiled a list of peculiarly Scottish words and locutions to be carefully avoided, whilst Hume prepared a similar catalogue for his own use. A favourite jibe against him was that on his death-bed he had confessed, not his sins, but his Scotticisms. The mere selection of words, however, by no means exhausted the difficulty. The new dialect had to be practised like a foreign tongue, and the trouble was not so much to do the trick with a good grace as to do it 'natural.' This obstacle to success, and the constant failures it occasioned, are very frankly admitted by the authors themselves. 'When the Scottish writers,' says Lord Woodhouselee in his *Life of Kames* (1807), 'in the early part of the last century began to pay attention to style, they were particularly studious of attaining to that idiomatic ease of

expression which struck them most in the popular English writers as being different from the form of composition to which their ear was accustomed; and as all imitation has a tendency to run into extremes, so our Scottish writers fell naturally into that error.' As a solemn warning, he cites Dr. Thomas Blackwell's *Inquiry into the Life and Writings of Homer* (1735), which he alleges to be, in point of style, but a slavish following of Shaftesbury. The present writer is obliged to confess, with sorrow, that though he has dipped into the volume, he has not been at the pains to verify the charge with any degree of minuteness.

XIV

LITERARY REVIVAL IN SCOTLAND AFTER THE UNION (II.)

By J. H. MILLAR

THE new movement began to bear fruit in the 'twenties, for we are fairly entitled to reckon Francis Hutcheson as belonging to Scottish literature in respect alike of his extraction and of his education. It was not, however, until 1730 that he returned to Glasgow College as Professor of Moral Philosophy, though his works—not very formidable in point of bulk—on *Beauty and Virtue*, and the *Nature and Conduct of the Passions*, appeared respectively in 1725 and 1728. Hutcheson, who, among other things, was a typical specimen of the academic wire-puller, deserves chiefly to be remembered as a teacher who, through his moving and persuasive oratory and his high personal character, exerted a singularly beneficial influence over his students. Nobody can pretend that his writings mark a stage of prime importance in the history either of æsthetics or of ethics. For a truly 'epoch-

making' work we must wait until the appearance of the *Treatise of Human Nature* (1739), which 'fell dead-born from the press,' and which was duly followed in the succeeding decade by the *Essays, Moral and Political* (1741-2) and the *Philosophical Essays concerning Human Understanding* (1748). Thus by the middle of the century the great work was in full swing, and the next twenty or thirty years witnessed the publication of a series of books which more than restored Scotland to her former place in the consideration of polite Europe. That these productions would never have seen the light but for the Parliamentary Union it would, as has been indicated, be ridiculous positively to affirm. But it is surely something more than a plausible speculation to contend that the continuance of a state of political turmoil and a ruinous commercial system might well have proved injurious, if not absolutely fatal, to the literary harvest.

That a price had to be paid for the acquisition upon a precarious tenure of the art of writing real English is undeniable, and it would be affectation to extenuate the mischiefs which sprang from the painful and sedulous aping of southern writers. A terrible standard of 'eloquence' was set up, which dominated Scotland for a hundred years, if we can be said to be emancipated from its grievous thralldom even now. Every professor who aspired to fame beyond his own classroom, or indeed in it, behoved to be eloquent. Every pulpit resounded with eloquent sermons and eloquent prayers—called by courtesy extemporary—whose

dying echoes we can still catch on an occasional Sunday. We can realise for ourselves how deep the taint of eloquence must have sunk when we remember its deplorable effects upon a great natural orator like Chalmers. Another result was the intrusion of a hitherto unknown flaccidity into much of our writing. The excessive ornamentation affected by the period-monger crushed the life out of his work, and left it sadly debilitated and anæmic. On the strength of half-a-dozen racy and vigorous expressions which Kames could not help allowing to overflow from speech into writing, his biographer charges him with lapsing into vulgarity and lowness of diction. Needless to say, it is not from that same biographer that we learn the best stories about his hero; and many a time we are tempted to wish that, even at the cost of a little dignity and smoothness, some portion of Wodrow's mantle had fallen upon him, as well as upon Leechman, the biographer of Hutcheson, and sundry others. A shrewd eye for character, and the power of presenting it in a few bold and telling strokes, are more to the biographer's purpose than any quantity of fine but vapid writing. Even our best authors fall short of the manly, nervous prose of Johnson, which those only will disparage (to the tune set by Macaulay) who are too inert to read or too illiterate to understand it.

Yet, upon the whole, the advantages of the 'new model' outweighed the drawbacks. Many works of substantial, and some of superlative, merit were produced in this carefully rehearsed foreign dialect; and, whatever their deficiencies in point of style

(which it is assuredly not for a brother Scot to pretend to expose), they would probably have found no other medium of expression half so appropriate. We cannot conceive of the *Treatise*, or *The Wealth of Nations*, or the *History of England*, or the *Charles V.* of Robertson couched in the language of the 'zealots,' or in the cumbersome prose of the pre-Union era. But for her adoption of the current English literary dialect in prose Scotland might have continued to dwell intellectually apart, and the conveniences of having one means of intercommunication, and one only, are immense. Scotticisms still lie in wait for us, like pitfalls in the pilgrim's path, and probably they always will; but, excluding always half a dozen vile phrases, of which incessant repetition has bred a healthy detestation, it may be doubted whether 'journallese' as written in Glasgow or Edinburgh is any worse than 'journallese' as written in Manchester or London. The yoke of conventional literary English has not been too heavy to bear; at all events there is nothing now to substitute for it; and, if it unduly oppressed two or three able men before our necks grew accustomed to its pressure, it never succeeded in quenching the exuberant vitality and high spirits of James Boswell.

The completion of the Parliamentary Union having given the signal for a great Anglicising movement in prose, it is not in the least surprising that the new tendency should display itself conspicuously in the sphere of poetry, for poetry is more palpably the creature of convention than

prose, and consequently lends itself much more readily to imitation.

Rhymed heroics, blank verse, and the Spenserian stanza were perhaps the favourite forms in which the English poets of the eighteenth century were accustomed to exercise themselves, and in all of these their Scottish rivals acquitted themselves with credit. Indeed, in blank verse they may be said to have done something more. The versification of Blair's 'Grave' is upon the whole decidedly superior to that of Young's 'Night Thoughts,' and James Thomson is honourably conspicuous among the poets of his generation for the fresh cadences he discovered in a measure which is only too liable to sink into monotony and dulness, and of which the potentialities might be deemed to have been exhausted in the preceding century. At rhymed heroics many men tried their hands from time to time, and not always with success. Pennecuik's 'Beauty in Distress'—a rendering of the familiar story of Susanna and the Elders—is as little commendable in form as it is edifying in tone and feeling. On the other hand, Allan Ramsay, in his 'Tartana,' his 'Morning Interview,' and his 'Health,' contrived to reproduce the manner and rhythm of the great Augustans, superficially no doubt, and not without flaws, yet with a fidelity to the original beyond the reach of many eminent writers of prose who vainly strove to catch the true English idiom. No one approached the dazzling brilliance of Pope, the gloomy majesty of Johnson, or the melancholy charm of Goldsmith. But, as a rule, a very toler-

able proficiency in technique was attained; the verses for the most part scanned, the rhymes were neither uncouth nor provincial; and the pitfalls which entrap beginners—such as harsh inversions and involved constructions—were more or less artfully avoided. So too with the Spenserian stanza—which for the versifiers of that age appears always to have contained an element of the ludicrous—Thomson first in ‘The Castle of Indolence,’ and afterwards ‘sweet, harmonious Beattie’ in his ‘Minstrel,’ attained a degree of accomplishment beyond the reach of their southern competitors, of whom, perhaps, Shenstone was the most formidable.

Most of the poetical exercises of the class alluded to bear the unmistakable stamp of artificiality. Not but what all poetry is in a most important sense artificial, but these pieces are essentially and emphatically academic, scholastic—the obvious fruit of painful study and protracted effort. The art is but indifferently cloaked, and the current poetical devices are employed a little too ingenuously and a little too freely. In particular, the recognised conventional vocabulary of poetry, with its elaborate periphrases, which goaded Wordsworth into revolt, is conspicuous by its omnipresence. In works like Dr. Armstrong’s *Art of Improving Health*, or Falconer’s *Shipwreck*, it is apt to strike a modern reader as ridiculous and inappropriate. Used with tact and discretion its formality and almost technical quality are of high value—nowhere more so, as some take the liberty of thinking, than in religious verse, where the

sobriety and restraint it imparts are peculiarly welcome. Our 'Paraphrases' afford a singularly felicitous example of this artificial type of diction, which is probably the chief explanation of their pre-eminence in devotional literature, or, at all events, in that branch of it which is fit for the use of self-respecting men. In the following century John Keble was far too finished a literary artist to ignore so material an aid to strength and dignity, though it is needless to remark that other hymn-writers, like Father Faber and the Messrs. Moody and Sankey, rejected it in favour of more emotional and flamboyant modes of expression. While it has thus its undeniable advantages, it is true, nevertheless, that the conventional language of poetry in the Georgian era is capable of being abused, and is certainly insufficient of itself to convert a manufacturer of verse into a genuine poet.

Side by side, however, with the cult of English, there grew up, or revived, a keen interest in early Scots poetry and a desire to 'emulate' the achievements of the national bards in their own medium, or something as closely resembling it as possible. And the curious thing is that as regards poetry the two currents or tendencies, the exotic and the indigenous, as we may call them, co-existed in many cases in the same persons, and were not confined each to its own special group or faction. Thus, while in prose all strove after the English, with the exception of a small minority of writers, who appealed to the commonalty through religious tracts or broadsides, in a dialect to which a strong

vernacular flavour still clung, there was scarce a poet composing in Scots but put forth also tentative or daring essays in the manner of some English model. This is true, for example, of Allan Ramsay's satellites, such as the 'British Ovid,' Robert Crawford, of Ramsay himself, of Fergusson, and not least of Burns. That these writers are as successful in the imported as in the native style is not likely to be maintained. Burns admittedly is not, though 'The Whistle,' all things considered, is an extraordinary performance, and he reaches a pitch of stilted affectation in some of his correspondence which is provocative of anything but admiration. Many of these writers, we may be sure, were well enough aware of their shortcomings in southern English. They secretly revolted against the imminent change, and despised those to whom if, in Allan Ramsay's words, you show 'the most elegant thoughts in a Scottish dress, they as disdainfully as stupidly condemn it as barbarous.' We catch the note of a very natural reaction, and of a very excusable preference for 'home industries' in Ramsay's preface to the 'Evergreen': 'When these good old bards wrote,' he says, 'we had not made use of imported trimming upon our cloaths, nor of foreign embroidery in our writings. Their poetry is the product of their country, not pilfered and spoilt in the transportation from abroad; their images are native, and their landscapes domestic, copied from those fields and meadows we every day behold.' What, then, we are tempted to ask, would have been easier than for the 'patriotic'

school to abstain from the 'foreign embroidery'? But, no; these capable men of letters seem to have felt that it would never do for them to fall behind in the race of culture, and make implicit confession of their inferiority in education and polish before a refined and critical world. Perhaps they felt this keenly in proportion to the lowliness of their origin, and thus they, too, contributed their share to the process (which could not have been much longer delayed) for relegating what remained of the Scots tongue to poetry of a very special order.

XV

LITERARY REVIVAL IN SCOTLAND AFTER THE UNION (III.)

By J. H. MILLAR

I HAVE used the expression, 'what remained of the Scots tongue,' in order to call attention to this further fact about Ramsay and his school. Genuine as was their enthusiasm for the Scots 'makaris,' they had lost the gift of literary Scots proper, and had to fall back upon something much nearer the spoken vernacular. To *The Evergreen* Ramsay contributed a fine poem (in the intricate and lively metre of 'The Cherry and the Slae') entitled 'The Vision,' which he had the hardihood to assign to a Latin original of the year 1300, endeavouring at the same time to lend plausibility to the date by sundry not very happily conceived eccentricities of spelling. The deception can have imposed upon no one. Ramsay's language is not Montgomerie's, nor Dunbar's, nor Henryson's. His stock of Scots, as Lord Woodhouselee points out in what still remains the best introduction to the wig-maker's poetical works, 'was nothing else than the oral language of the farmers of the Lothians

and the common talk of the citizens of Edinburgh, to which his ears were constantly accustomed. . . . The sole peculiarity of his style is that he transferred the oral language to his writings.' There is doubtless much truth in these observations, though the remark may perhaps be hazarded that the process of transference had been set agoing by Sempill in the preceding century. Fortunately the oral vernacular possessed many distinctive words and constructions in common with the old literary dialect; it had not yet been corrupted by 'education,' popular newspapers, and music-halls; and thus it is impossible to indicate any point at which the continuity of the long line of Scottish poetry is snapped. Even at the present day in very remote 'upland' districts (as, for instance, in the recesses of Buchan) we can still realise the vigour and propriety of the uncontaminated vernacular—the purest surviving form of English. Its suitability for literary purposes falls, of course, to be judged solely by the result, and from that practical and severe test it emerged triumphantly.

The first anthology of Scottish verse was James Watson's *Choice Collection of Comic and Serious Scots Poems, both Ancient and Modern*, three successive parts of which appeared in 1706, 1709, and 1711 respectively. Combined, they form a comparatively small octavo volume, though the contents are of a sufficiently mixed description. The preface alludes to the frequency of publishing collections of miscellaneous poems in our neighbouring kingdoms and states, warns the reader that a strict chronological order is not to be observed,

owns indebtedness to the generous help of 'some curious and ingenious gentlemen' who keep curious and diverting poems in their repositories, and holds out the promise of an accurate text. Some of the contributions are probably new work, and here we meet for the first time with Hamilton of Gilbertfield's masterpiece, 'The last dying Words of Bonny Heck.' Watson's publication, no doubt, hit the popular taste, else had it never been completed, and it seems to have sharpened rather than satisfied the demand for specimens of the old national literature. Thomas Ruddiman produced a folio edition of Gavin Douglas's *Aeneid*, with a glossary, in 1710, besides one of Drummond, and a complete collection of George Buchanan's writings in 1715. In the following year Allan Ramsay brought out an edition of *Christis Kirk on the Green*, to which he did not scruple to add a couple of cantos of his own, in which he fairly outdid the original for rough-and-tumble buffoonery. In 1724 he presented the public with *The Evergreen*, a compilation of really substantial value, and also with the first instalment of his *Tea-Table Miscellany*, suggested partly by Watson's little book, but even more perhaps by Tom D'Urfey's celebrated *Pills to Purge Melancholy*, which had been published a few years before. The *Miscellany* was composed of lyrics, touched up or written by Ramsay himself and certain ingenious friends of his, such as William Hamilton of Bangour, 'the nationall poetic good for nothing lad,' as the author of Mr. Chambers's *Woodhouselee* manuscript describes him. It

proved so attractive that additional volumes were issued in subsequent years; and although the versions it gives are the reverse of trustworthy, and it is not possible to determine how much of the songs is really old and how much is modern, the book did good service in keeping alive the tradition of Scottish song, and in rescuing from oblivion a number of verses and refrains which would otherwise have been forgotten. As for *The Evergreen*, a publication which first opened up the treasure-house of Dunbar to the reader, it deserves a large share of honour and gratitude. For Ramsay was lucky enough to have access to the manuscript of 'Mr. George Bannytine,' of which he made good use, extracting some of the choicest plums. Like all persons, apparently, who dabble in old songs and ballads (Sir Walter not excepted), he loved a little 'mystification'—a harsher term would be out of place—and hence, *inter alia*, 'The Vision,' already alluded to. Whether he was actually taken in by 'Hardyknute,' an excellent composition of its kind which he included in the *Miscellany*, is one of those questions as to which it is safer to be undogmatic, like our old friend the 'new theology.'

It would be improper not to dwell for a moment upon Allan Ramsay's own work, for, although neither his taste nor his touch was unimpeachable, he had plainly a literary aptitude and equipment the like of which had not been seen in Scotland for many a weary year. Of his lyrics something has already been said, and one can imagine the enemy hissing out some such disparaging nick-

name as 'vamper.' - A vamper he was, like Burns, but without Burns's miraculous and all but unerring instinct. Nor does he deserve to be remembered for his English decasyllables, meritorious as they are. His epistles, on the other hand, are much better work, and form a pleasant continuation of the 'flytings' of the makaris. Only, these strove as to who should utter the foulest and most offensive accusations against the other; while Ramsay and Gilbertfield contended as to who should pay the handsomest compliments. The result is not essentially different in the two cases; and we might rest content with Ramsay's achievement in this department, were it not that here, as well as in song, he was out-distanced by his matchless successor.

The Gentle Shepherd is a production of an unique kind. It blends a mild and agreeable burlesque of the fashionable pastoral with a sufficiently faithful suggestion of the language, manners, and habits of thought of the rural community of Scotland, at that time so much superior to the urban population in numbers and importance. The form represents in a sense the acme of artificiality, yet there are close observation, intimate knowledge, and artistic reproduction of the subject matter without 'realism'; in other words, without irrelevant dirt and squalor. Above all, there is that benignant humour, that kindly feeling for both man and beast, which we find in Robert Henryson (as in his master, Chaucer), and in the Burns of the 'Twa Dogs' and of 'Mailie.' Such a gift should be prized at its true worth. Lavished

by nature upon youth, it is too apt to be frittered away, and to be replaced in due course of time by peevishness, if not by something worse.

But upon a serious consideration of the whole matter it will be found that the great feather in Ramsay's cap is in his distinctively urban pieces. He professed himself content, and not unnaturally, to 'streak his limbs down easily Upon the bent' and

'There sing the gowans, broom, an' trees,
The crystal burn an' westlin' breeze,
The bleating flocks an' bisy bees,
An' blythsome swains,
Wha rant an' dance wi' kiltit knees,
O'er mossy plains.'

Such things, as a matter of fact, he did admirably, and with an enviable freshness and gusto. But whoso recalls the elegies on Maggy Johnstoun, Lucky Wood, and John Cowper, the last speech of the Wretched Miser, and the last advice of Lucky Spence, will be fain to acknowledge that in these Ramsay's powers reached a point beyond which they could not go. His technical accomplishment is there seen at its highest, and he hit the spirit of 'Standart Habby' in such happy wise that the sextain of Sempill may thenceforth be reckoned the darling metre of the Scots vernacular muse. The late Mr. Minto was a student and a critic never to be named without respect. But the verdicts of criticism are often regulated by the accident of the year of the critic's birth, and when he opines that the contemporary Edinburgh life which Ramsay painted 'was too coarse to have much interest for any but his own time,' we can merely surmise that

his judgment would have been different had he been born a generation later than he was. In these remarkable performances we recognise the persistence of the grim and sardonic flavour which imparts so individual a character to much of old Scottish poetry, which raises a small portion of the younger Pennecuik's work to a surprisingly high level, and which was transmitted by Ramsay in such generous measure to Fergusson and Burns. Eliminate that flavour and the satire of our poetical masters would resemble what modern political caricature is always announced to be. It would be 'good-humoured,' a quality wholly inappropriate to that branch of art, and one of which in these latter days its most eminent professor perhaps (despite public banquets in his honour) may be truthfully acquitted.

Once more, and in conclusion, let it be repeated that the literary activity of Allan Ramsay and his band cannot with certainty be alleged to be a direct result of the Union. Allan himself was a determined foe to that measure, the evil consequences of which he deplored in verse. But, again, it may surely be asseverated, with a reasonable amount of confidence, that unless the Union had brought in its train peace rather than a sword, had allayed the rancour of religious bigotry and political faction, and had effected a working compromise in the always troublesome matter of freedom of thought, Ramsay would have had little opportunity, and, it may be, still less inclination, to quarry in the Bannatyne manuscript, he would have found but a scanty audience to whom to communicate the

benefit of his discoveries, and much less license than he actually enjoyed would have been allowed him for celebrating the delights of bucolic dalliance and love, for commemorating notorious ale-house-wives, and for jeering at the discipline of the Kirk as exercised by the Kirk treasurer. Inasmuch, therefore, as, but for Allan Ramsay, with his *Miscellany*, his *Evergreen*, and his burgesse muse, there had, humanly speaking, been no Burns, or not the Burns we know, we are bound, as lovers of our national literature, to congratulate ourselves without reserve upon the momentous event of which the present year of grace brings round the two-hundredth anniversary.

XVI

THE ENGLISH STANDPOINT (I.)

By PROFESSOR LODGE

THE history of the relations between England and Scotland is the record of lost opportunities. From the eleventh century, when Scotland expanded her boundaries from the Forth and the Clyde to the Cheviots and the Solway, its ultimate union with England became not only natural, but almost inevitable. For two centuries everything seemed to tend in that direction. The population of Southern Scotland, as thoroughly English as their neighbours across the Border, acquired ascendancy over the Celtic people of the Highlands, and colonised the eastern district from the Forth to Inverness. In language, in law, in municipal institutions, in architecture, and in social life, the English and the Lowlanders were to all intents and purposes identical. The Gaels were as alien to both peoples as the Welsh were to the English. Great barons held estates in both countries, and their interests impelled them to desire a common suzerain and to dread the perils of divided allegiance.

When in 1290 the young Prince of Wales was betrothed to the Maid of Norway the consummation of union seemed to be assured. Margaret's death on her homeward voyage put an end to this fair prospect; but Edward I.'s arbitration in the succession dispute and the recognition of his suzerainty created a substantial link between the two kingdoms. The blame for its rupture rests partly upon Edward I.'s hasty temper, partly upon his subordination of political expediency to a short-sighted insistence upon the letter of the law as interpreted by himself, and partly upon his simultaneous difficulties with Wales, France, and his own subjects. Conquest would have been a poor substitute for a peaceful union, and conquest was rendered impossible by Edward's death and the accession of his incompetent son. The War of Independence, and the dispossession of those Scottish barons who had supported the English cause, roughly tore asunder the innumerable ties which for more than two hundred years had held together the two kindred peoples. For the first time they became separate and hostile nations.

For a brief moment after the accession of David Bruce Scottish independence was once more in serious danger. But Edward III. had none of his grandfather's statesmanship, and France had now a strong interest in thwarting English designs upon Scotland. When England embarked upon the fatal Hundred Years' War, and when the seeds were sown of that internal disorder which ripened into the Wars of the Roses, all hope of uniting Scotland with England disappeared for genera-

tions. And during this long interval the work of separation went on apace. The two peoples, who had formerly had so much in common, developed upon constantly divergent lines. The Scots borrowed their law, their administrative machinery, their architecture, their educational and social ideals, from France, the enemy of England. When the southern kingdom recovered unity and order under the Tudor dynasty it found itself enclosed within the limits of the island with an alien and a hostile State.

Of all the great problems with which Tudor statesmanship had to deal, that of Scotland was perhaps the most continuously prominent and urgent. If this inconvenient neighbour could not be cajoled or coerced into union, or at least into alliance, it must be rendered impotent to injure the vital interests of England. But union was the solution of the problem to which the wisest statesmen on both sides of the Border looked. Union was, however, infinitely more difficult to bring about in the sixteenth than it had been in the thirteenth century. Henry VII., the most prudent and the least attractive of English Kings, married his daughter to James IV. of Scotland. But the marriage failed to detach Scotland from the French alliance, and James, with the flower of his nobility, perished at Flodden. His dissolute widow and her second husband, Angus, helped to form a party which was so far a novelty in Scotland that it sought to gain its ends by English backing. But the alliance, such as it was, had no national support; and James V., when he came of age,

sought the aid of the Church, which was anti-English, and by two successive marriages bound himself closer to France.

The death of James V. after Solway Moss and the accession of his infant daughter opened to Henry VIII. the possibility of uniting the two kingdoms by a marriage such as that which Edward I. had arranged in 1290. At the last minute, when the matter seemed to be as good as settled, he was foiled by the opposition of Cardinal Beton and the partisans of France. In the hope of at once punishing and coercing the Scots Henry and the Protector Somerset organised those raids into south-eastern Scotland which laid towns and monasteries in ruins and drove the Scots to send their young Queen to France as the affianced bride of the heir to the French Throne.

Rarely has England been in a more dangerous position than when Mary of Guise ruled Scotland as Regent for her daughter, when Francis and Mary Stewart sat upon the throne of France, and when the latter also claimed the throne of England as the legitimate successor of Mary Tudor. A vigorous and unanimous effort of the Roman Catholics might have brought about a strange union of England and Scotland upon terms which would have made them both appendages to France. The danger was soon ended by the death of Francis II., but it had already been practically averted by the interested policy of Philip II., eager to prevent the aggrandisement of France, by the sudden victory of the reforming party in Scotland, and by the skilful diplomacy of Cecil and Maitland of

Lethington. From the Treaty of Berwick dates the alienation of Scotland from France and the growth of those more friendly relations with England but for which the accession of James I. in the latter kingdom would have been impossible. Once put forward, the Stewart claim to the succession in England was never abandoned. During Mary's lifetime it encouraged all the Roman Catholic plotters against Elizabeth, and on her death it passed with general acquiescence to her Protestant son.

The union of the Crowns brought about by the accession of James in 1603 altered in many ways the relations of England and Scotland, but failed to establish real harmony between them. That such a personal union between States is unsatisfactory in itself and difficult to maintain has been demonstrated in our own day by the history of Austria and Hungary, by the friction between Russia and Finland, and most strikingly by the recent severance of Norway and Sweden. The seventeenth century witnessed many efforts to make the bonds of union more substantial. James I. called himself King of Great Britain, but he wholly failed to induce the English Parliament to pass a measure which should give substantial reality to the title. The Solemn League and Covenant was to unite the two States in compulsory Presbyterian uniformity, but Anglicans and Independents alike would have none of it. Superior military force and the division of Scotland by bitter religious feuds enabled Cromwell and Monk to effect a compulsory union which gave to Scotland

both order and material prosperity, but was associated with the negation of nationality and with Erastian interference in ecclesiastical matters.

That Clarendon and the other English politicians who controlled the Restoration settlement allowed the Scottish Union to be dissolved without making an effort for its maintenance is one of the standing puzzles of history. The grand aim of so many Kings and statesmen had been achieved by the Republican leaders, and achieved in spite of the vastly increased difficulties created during the last hundred years by the divergent religious history of the two countries. No doubt the Cromwellian union was discredited in Cavalier eyes by its association with the detested Commonwealth; but, on the other hand, Monk, who had helped to bring it about, was prominent in the Royal Council, and Charles II. might have remembered that no project had lain nearer to the heart of his grandfather. In fact, nine years later the King urged the union of the Parliaments upon this very ground, and carried the matter so far that Commissioners for both kingdoms met in London for the settlement of terms. But Lauderdale, whose redeeming feature was a genuine love of Scottish independence, was astute enough to find indirect means of thwarting a scheme which he dared not directly oppose. To him more than to any other man must be attributed the retention by Scotland of its separate administration under the last two Stewart Kings.

The Revolution of 1689 widened the gulf between the two kingdoms. The final establish-

ment of Presbyterianism in Scotland put an end to those dreams of ecclesiastical uniformity which every Stewart Sovereign had hitherto cherished. At the same time, the abolition of the Committee of the Articles deprived the Crown of its secure control over the Scottish Parliament. Since 1603 Scotland had had no foreign policy of its own, because it had no machinery by which it could compel attention to its interests or its wishes. This machinery it now possessed in an independent Parliament, and from this moment the mere personal union became valueless from the English point of view. When the Continental interests of England were endangered by the Darien scheme, when Scotland insisted on maintaining its commercial intercourse with France during the war of the Spanish Succession, and when the Scottish Parliament treated the succession to the Scottish Crown as a matter to be settled without English interference, then English statesmen perceived that there was no alternative between a closer union and ultimate separation. The dangers of the latter alternative were written large in past history, and the Whig ministers of Queen Anne set themselves with equal resolution and astuteness to bring about a real union of the two kingdoms. They had commercial inducements to offer and the ruin of Scottish agriculture to threaten, and by a judicious combination of bribes and menaces they succeeded in bringing about the negotiations of 1706.

But the Sibylline books which had first been offered to England in 1290 were now sadly diminished in number. Any complete welding of

the two nations into one, which had been quite feasible in the thirteenth century, was now out of the question. Between the two dates lay two centuries and a half of open hostility, and another century and a half of uneasy and unfriendly alliance. Scotland had now a separate system of law and a separate Church, and it would abandon neither. From the historical point of view there was only one solution of the difficulty, and that was a federal union, which would have left each State the control of its domestic affairs, while combining them in foreign relations and in naval and military organisation. This was the proposal of the Scottish Commissioners, and it was difficult to refute their arguments. But the Whig statesmen determined on the creation of a single united State, regardless of ecclesiastical and legal differences between them. It was a bold and almost unparalleled experiment in those days, and time alone could determine whether it would succeed or fail.

XVII

THE ENGLISH STANDPOINT (II.)

By PROFESSOR LODGE

THE Act of 1707, which left to Scotland its own Church and its own system of law, and yet united it with England to form a single State, was a heroic attempt to disregard as far as was possible the differences of interests, habits, and nationality which had grown up between the two States since their union had first been attempted by Edward I. All the arguments of precedent and analogy were in favour of a federal union. Such a union would have satisfied the most pressing needs of England, and would certainly have been more congenial to the Scots. It was no small demand that was made upon a sensitive and proud people, famous for their stubborn patriotism and their instinctive dislike of alien control. They were called upon to surrender their independence, to see their capital transformed into little more than a provincial town, to part with some measure of their identity, and to have no future which would be a direct continuance of their not inglorious past. And they were

to entrust the shaping of their destiny to a Legislative Assembly in which, as far as they could tell, their representatives might be a negligible and perhaps a contemptible minority. No prophet in 1707 would have been bold enough to look forward to the second centenary of the Union, and to anticipate that at that date the leaders of the two great parties in the British Parliament would be of Scottish birth.

This single fact would be enough to prove that many of the natural forebodings of Scottish patriots have been unfulfilled. Within fifty years from its conclusion the Union had ceased to be a matter of serious grumbling; within a century it had been accepted with fairly cheerful acquiescence. It would be going too far to say that during that time or later it had worked with perfect fairness and success. But, when one considers the past history of the two States before the Union, and the endless possibilities of friction and misunderstanding to which that history points, there can be no doubt that the success of the measure has been infinitely greater than any of its authors had the slightest right to expect. Regarded merely as a bold experiment in political chemistry, the Union of England and Scotland will always excite the keenest interest and admiration among all students of that most difficult and incalculable of sciences.

That from the English point of view the Union has come to be regarded with unmixed satisfaction is not difficult to understand. England was the persistent suitor who had extorted a reluctant

consent after so many rebuffs. It was primarily in the interests of England that the Union had been made. And these interests were magnificently served. That England emerged victorious in the long duel with France which fills the eighteenth century was due to many causes; but not the least of these causes was the fact that England had been merged in Great Britain. With a hostile or semi-hostile Scotland requiring constant watchfulness and caution, the victory would not have been won, or would have been won with infinitely greater difficulty. In the expansion of trade, in colonisation, and, above all, in the administration of colonies and dependencies, the services of Scotsmen proved invaluable. From the class-room of a Scottish University came the economic teaching which was to be the text-book both of British commerce and of the British Empire. In the annals of the Army for the last two centuries the deeds of Scottish leaders and of Scottish regiments fill many a glorious page.

No doubt the magnitude of these services was not foreseen nor immediately appreciated. In the eighteenth century some of the old hostility and jealousy of the Scots, to which Johnson gave expression, continued to be felt in England. But in the nineteenth century this had wholly disappeared. The old sense of alien interests had died away. Englishmen began to flock to Scotland for sport and recreation. Scottish literature, and even Scottish history, became an English possession. English men and boys were thrilled by the achievements of Wallace and Bruce; they

followed with ardent interest the adventures of Charles Edward; they gave their regretful admiration to the unfortunate Mary Stewart. The memory of Bannockburn brought no sense of humiliation: that of Flodden gave no cause to exult. Victor and vanquished were alike fellow-countrymen.

Scotsmen are sometimes inclined to resent the complacent acceptance by Englishmen of the Union as belonging to the eternal fitness of things. They would like a rather more uneasy sense of the benefits received and of the uncertain tenure on which they are held. Proposals to celebrate the second centenary of the Union have been made in Scotland, but there has been no eager initiative on the other side of the Border. The cheerful acceptance of things as they are, without any careful scrutiny of how they came to be so, is one of those English characteristics which are apt to irritate their neighbours. And it certainly savours of ingratitude.

But it must in fairness be remembered that England would never have sat down to forgetful satisfaction with the Union if it had not met with acceptance in Scotland. Nor, indeed, would the Union have served its purposes if Scotsmen had continued to regard it with the horror and disgust displayed at the time of its conclusion. These feelings were gradually allayed by the rapid growth of material prosperity, by the establishment of order and peace in the Highlands, and by the opening to Scotsmen of far greater careers than they could look forward to in the days of isolation.

The secure establishment of the Presbyterian Church has helped to keep Scottish questions rather outside the grooves of English party politics; and Scotland has had to complain rather of legislative neglect than of excessive interference. English ignorance of Scottish usages, and especially of Scottish ecclesiastical politics, is often provocative of indignation; but, on the whole, it has been more conducive to harmony than a more eager interest might have been.

There has been of late an increase of grumbling at the neglect of Scottish interests. Scotsmen, it is said, are out of conceit with the Union. Detailed comparisons are drawn between Scotland and Ireland, and pointed references are made to what may be gained by being troublesome and discontented. But in common fairness it should be pointed out that these complaints are in themselves no slight testimony to the success of the Union of 1707. Scotland is both geographically and racially infinitely closer to England than Ireland is to Great Britain. The partnership has been, on the whole, a success; and that success has been due to the closeness of the partnership and the absence of vitally conflicting interests. The first step will be taken towards the dissolution of the Union when men begin to look, not at the advantages of the whole, but at the relative gains of each part.

To the Englishman who lives much in Scotland there will always be a lingering regret that the Union was not accomplished rather earlier—either in the time of Edward I., when it might have

resulted in a complete fusion, or in the time of Henry VIII., before the great divergence in ecclesiastical matters had begun. For after two centuries the Union is less complete on one side of the Border than it is, or is thought to be, on the other. A Scotsman may be Prime Minister, or Lord-Chancellor, or Archbishop of Canterbury, and nobody in England either expresses or feels surprise, and much less annoyance. This is the best side of the Union. But it would be difficult to conceive an English Lord-President or an English Moderator of the General Assembly. It has been said with epigrammatic exaggeration that 'a Scotsman is a Unionist when he is south of the Tweed, but a Federalist when he is on his own side of the Border.'

There are many minor impediments to unity. The difference of law is one of them. Only lawyers are the gainers by the endless disputes as to whether a man is English or Scottish by domicile. Commerce is impeded by the existence of a separate banking system, by the absence of a common clearing-house, and by the use of a different paper currency. These distinctions should not exist in a perfectly united State. It is characteristic of British contempt for symmetry that no serious effort has been made to remove them.

But any such grumbles are useless, and perhaps irrelevant. The Union was at its origin illogical, and will probably be illogical to the end. It may well be that this is the secret of its success. Scotland will not cease to be Scotland because England

✓ would like it to be only part of Great Britain.
✓ And the Union has satisfied Scotland only because
✓ it has permitted the conservation of Scottish
✓ nationality. No union is successful if it only
✓ gratifies the tastes and serves the interests of one
✓ of the parties.

XVIII

THE SCOTTISH AND THE IRISH UNION

By W. LAW MATHIESON

THE Union of Scotland with England in 1707 was constantly cited as an argument both for and against the Union of Ireland with Great Britain in 1800, and it may be of interest to consider on what grounds such a comparison may be based.

The two Unions have certainly much in common in so far as they can be traced to constitutional causes. During all but the last eighteen years of its existence—if we exclude very early times and a brief period of Puritan revolt—the legislative functions of the Scottish Parliament were more or less completely usurped by a Committee, known as the Lords of the Articles, which was constituted under Royal influence, comprised the chief Ministers, and after the Union of the Crowns in 1603, when the Sovereign was more English than Scottish, was practically chosen by the Bishops as agents for the King. This Committee, as an unconstitutional development of Episcopacy, was repudiated by the Covenanters in 1640; but it.

reappeared in a more modest shape at the Restoration, when articles or bills could under certain conditions be brought directly before the House, and it was not finally abolished till after the Revolution of 1689. The freedom thus gained was, however, rather nominal than real. Under King William and Queen Anne corrupt influence was habitually employed to compensate the Crown for the loss of direct control; and when the more enlightened Nationalists had convinced themselves that the traffic in votes which nullified national independence could not be put down they supported the Union. In Ireland, as in Scotland, the span of legislative freedom was no more than eighteen years. Under the system established in 1494 by Poyning's Law no measure could be introduced into the Irish Parliament which had not been approved by the King and his English Council; and though, like the Scottish Committee of Articles, the restriction was so far relaxed in 1692 that a certain power of initiation was conceded to Parliament, it was not withdrawn till 1782. From this point the two Legislatures developed on almost parallel lines. The Scottish Parliament in 1703 passed an Act of Security repudiating as its Sovereign, unless freedom of commerce was conceded, the successor to the English Crown; the Irish Parliament in 1785 quarrelled with the British Parliament on a question of commerce, and in 1789 insisted on appointing a Regent before such a ruler had been appointed in England. In both Parliaments, but especially in that of Ireland after the Regency

dispute, great efforts were made to re-establish Government control. In the Irish House of Commons of 1790 there were 108 placemen and pensioners; in the Scottish Parliament of 1706, which formed one House, there were said—doubtless an exaggeration—to be eighty. In Ireland an Act which was passed in 1793 considerably reduced the number; in Scotland in 1704 such an Act was introduced, but never became law. Indignant patriots were not wanting to expose this scandal—Scotland had its Fletcher and Belhaven; Ireland, in an ascending scale of bitterness, its Grattan, its Flood, and its Wolfe Tone. 'Let no man say,' exclaimed Fletcher, 'that it cannot be proved that the English Court has ever bestowed any bribe in this country. For they bestow all offices and pensions: they bribe us and are masters of us at our own cost. It is nothing but an English interest in this House that those who wish well to our country have to struggle with.' 'Before 1782,' said Wolfe Tone, 'England bound us by her edict. . . . Since 1782 we are bound by English influence acting through our own Parliament.' The Irish Legislature, unlike the Scottish, was indeed animated by no separatist spirit, but the Ministers of George III., distrusting tendencies rather than intentions, were no less anxious than the Ministers of Queen Anne to put an end to the anomaly of two independent Legislatures, and both were weary of the corrupt and laborious management which it entailed.

When we turn from the Governments to the peoples we find less of resemblance than of con-

trast. The independence of Scotland was justly derided as 'precarious, imaginary, and fantastical, and no more than the privilege to be governed by a Ministry under foreign influence'; but she retained the traditions and the instincts of a separate kingdom; her ancient feud with England had lately been revived, and theoretically there was nothing but a common allegiance to connect her with that State. Ireland had never been independent; her national spirit, in so far as it supported the Constitution, was confined to a minority; she had a common executive with England, and the bills of her Legislature were returned, if accepted by the Crown, under the British Great Seal. In Scotland the religious question had been settled at the Revolution; commerce and industry were so backward that it was 'scarcely conceivable,' wrote a pamphleteer, 'how any condition of life we can fall into can render us more miserable and poor than we are'; and the Union owed what little attraction it possessed to the fact that it would open up a free trade with both England and her Colonies, and, as Presbyterians hoped, would effectually prevent the restoration of a Stewart king. Ireland, on the other hand, had been admitted to the Colonial trade in 1779; since then, in the language of her own Parliament, she 'had risen to a height of prosperity un hoped for and unparalleled in any former era'; and the restrictions on the trade with England, which still survived and formed the subject of negotiation in 1785, were hardly of sufficient importance, except at Cork and amongst

the Belfast linen manufacturers, to furnish an argument for union. Religion was here the dominant issue. A war of creeds and races was still smouldering, to suppress which the Government had been compelled to accept British help. A section, but not a large section, of the Protestant Episcopalians, alarmed by such an experience, feared that their ascendancy could no longer be maintained; Presbyterian Ulster, disliking the existing system, was disposed on the whole—and Londonderry was enthusiastic—to acquiesce in its repeal; and the Catholics, who had recently obtained the franchise, were led to believe that whilst their numbers must exclude them from the Irish Legislature, they would be admitted into the Parliament of Great Britain. With these influences in its favour, the Irish Union was decidedly less unpopular than the Scottish, but the opposition of the country gentlemen in Parliament was more formidable than that of the Scottish lairds. In 1799, before the project had been officially announced, an anti-Unionist amendment on the Address was rejected in the Commons by a single vote; and the Government at once took measures to retrieve what they regarded as a virtual defeat. To one of their devices, since it benefited both supporters and opponents, little exception can be taken—the proposal to buy up all boroughs which were to be disfranchised at the rate of £15,000 a seat; but they resorted to a quite abnormal manipulation of patronage, and sixteen borough-owners were induced by the promise of peerages to answer for their nominees. By these and other

means the Government majority rose in the next session from one to about forty. Whether the British Ministry acted wisely in taking advantage of the Rebellion to extinguish a Legislature which was a stronghold of the Protestant gentry may be an open question; but there can be little doubt that the system of two independent Parliaments and a common executive, complicated as it was by the Catholic question, must sooner or later have broken down, and meanwhile could be maintained only by means little less discreditable than those which were used to bring it to an end.

Certain points of detail suggest themselves, in which the Unions may be further compared. The British Government had intended to begin, as in the case of Scotland, by appointing Commissioners to negotiate a treaty; but the Irish House of Commons frustrated their intention by refusing even to discuss the project; and the Union, rendered more palatable by borough compensation, was accomplished in a much less deliberate manner by means of resolutions passed through the two Parliaments. The Irish boroughs, unlike the Scottish, were not grouped; eighty-six of them were, as we have seen, bought up and suppressed. The Opposition contended, as their Scottish predecessors had done, that Parliament was incompetent to subvert the Constitution—at all events, without an appeal to the nation; and when reminded that the Scottish Parliament had done this, they retorted that a Treaty of Union had just been broken off; when the elections to that Legislature took place Dublin and Edinburgh proved

almost equally riotous and hostile, and both Parliaments were inundated with anti-Unionist petitions. The Irish and Scottish Churches were treated alike—both were to have been excluded from the Union, and both insisted that their continuance should be made a positive condition. In the Irish Parliament corrupt influence was undoubtedly the determining factor, including under that head the borough-peerages, but not the borough-compensation; and money bribes, to the small extent to which they were given, seem to have been employed against as well as for the Union. In the Scottish Parliament there were no borough-patrons; corrupt influence was confined to the usual traffic in offices and pensions; and the Union could not have been carried even by such means had it not been supported on its own merits by the group of independent Nationalists, known as the Squadron. It was certainly from no sordid motives that these men, so justly extolled by Bishop Burnet, relinquished their patriotic ideal, and consented to make common cause with a party, in whose favour and by whose intrigues they had recently been thrust from office; and the honesty of the decision at which their leader had arrived may be inferred from these words in a confidential letter, penned as early as November, 1705: 'Roxburgh was never in so great anxiety as now; his thoughts have been entirely taken up these eight and forty hours about Union, and a torment to him.'

APPENDIX I.

KER OF KERSLAND

Glasgow, December 5, 1906.

SIR,—In his paper on 'the Union of 1707' in the *Herald* of to-day, Mr. Lang concludes with the admission that historians (himself included, I presume) ought to be 'skelped.' The author of *The Memoirs of John Ker of Kersland*, he has only lately discovered, was neither a Cameronian nor properly to be called a leader of the Cameronians. I would willingly give an additional skelp because of his omission to add to this that the man was not even a Ker.

A word or two as to the record which is spoiled by the intrusion of this eighteenth-century Unionist. The Kers of Kersland were settled in Ayrshire a good century or a century and a half before any of their name are to be heard of on the Borders. They were prominent amongst that lesser Baronage of Ayrshire who so staunchly supported the Reformation, the then head of the family signing the 'Ayrshire Bond' of 1562. On the forfeiture of the Earl of Eglintoun, after Langside, an Act of Parliament provided that this should not affect the 'tenandries quhilk were held of the said Earle' by Montgomerie of Hesselheid, Robert Ker of Kersland, Montfode of that Ilk, and Ker of Trearne. The direct male line fails here, but on his marriage with the heiress, the name and arms of the family were assumed by Captain Thomas Crawford of Jordanhill, the valiant captor of Dumbarton Castle. Jordanhill's great grandson, Robert Ker of Kersland, is enrolled amongst 'The Scots Worthies.' He suffered the usual pains and penalties,

including forfeiture, and he died in exile at Utrecht in 1680. When, after the Revolution, the 'honest people of the Western Shires' raised a regiment, subsequently to be renowned as the 'Cameronians,' they, like good republicans, claimed and exercised the unusual privilege of choosing their own officers. In this way, Daniel Ker of Kersland, it was stipulated, should be Major. The rank was conferred on him, and when but twenty-three years of age he fell with many another of our brave countrymen at the battle of Steinkirk. For a second time the male line of his family ended. By arrangement the estate passed to one of Major Ker's sisters, and her husband it was, John Crawford, of the Crawfordland family, who figures so prominently in Mr. Lang's paper. He had assumed the name of Ker, and, no doubt, some of the reputation for devotedness to the cause of Presbyterianism which his wife's family had acquired would thus attach to him.

As Crawford, *alias* Ker, had a family of three daughters, none of whom left any descendants, there is nobody, and certainly no one of my name, who need be anxious to whitewash his memory. But Mr. Lang, better than most, could tell how unnecessary would be the attempt—how completely the intriguer was a man of his time. Then originated the saying that 'every man had his price.' It was true of that period if it has ever been. The main difference that I have been able to see between our man and some of his associates is, that while many of them contrived to be enriched and ennobled as the price of their intrigues, he ruined himself. At his death he was hopelessly bankrupt, and his estates had to be sold. To save some portion of her father, the Covenanter's inheritance, the widow produced a deed which was found to be a forgery, probably a concoction of her intriguing husband. This being set aside, the Kersland was finally and irretrievably alienated.

In that article on Ker of Kersland which Mr. Lang wrote for *Blackwood* in 1897, and to which he makes one or two references, I remember he said that not only was the subject of his paper a Cameronian, but his father and kinsfolk generally held a leading place in the body. As apparently he did not really know, Mr. Lang was in this

only speaking at a venture. In order to discredit the Cameronians, he was not above a little promiscuous mud-slinging.

One other point before leaving the subject. Some years ago the late Commissioner Ker, of London, put up a brass tablet to the memory of Robert Ker, the Covenanter, in the Cathedral of Utrecht, and another in the Kirk of Dalry. It was the source of great surprise to me, and some regret, to find that many of the good folks in and about Dalry were at a loss to understand how the heritors could allow this commemoration of that unchanged villain, the subject of Mr. Lang's papers! Alas! 'The evil that men do lives after them, the good——' One short generation ago they would not in that same countryside have confounded the honest and self-sacrificing Covenanter with his scheming son-in-law.—I am, etc.

JOHN KERR.

APPENDIX II.

ARTICLES OF UNION.

I. THAT the two Kingdoms of *Scotland* and *England*, shall upon the first day of *May* next ensuing the date hereof, and for ever after, be united into one Kingdom, by the name of GREAT-BRITAIN; And that the Ensigns Armorial of the said united Kingdom be such as Her Majesty shall appoint, and the Crosses of *St. Andrew* and *St. George* be conjoined in such manner as Her Majesty shall think fit, and used in all Flags, Banners, Standards, and Ensigns, both at sea and land.

II. THAT the Succession to the Monarchy of the United Kingdom of *Great-Britain*, and of the Dominions thereunto belonging, after Her most Sacred Majesty, and in default of Issue of Her Majesty, Be, Remain and Continue to the most Excellent Princess *Sophia*, Electoress and Duchess Dowager of Hanover, and the Heirs of Her Body, being *Protestants*, upon whom the Crown of *England* is settled by an Act of Parliament made in *England* in the twelfth year of the Reign of his late Majesty King William the Third, Entituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to Inherit, Possess, or Enjoy the Imperial Crown of *Great-Britain*, and the Dominions thereunto belonging, or any part thereof; And in every such case, the Crown and Government shall from time to time descend to, and be enjoyed by, such Person, being a Protestant, as should have inherited and enjoyed the same, in case such Papists or Person marrying a Papist was naturally Dead, according to the Provision for

the Descent of the Crown of *England*, made by another Act of Parliament in *England*, in the first year of the Reign of their late Majesties King William and Queen Mary, Entituled, *An Act Declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.*

✓ III. THAT the United Kingdom of *Great-Britain* be represented by one and the same Parliament, to be styled the Parliament of *Great-Britain.*

✓ IV. THAT all the Subjects of the United Kingdom of *Great-Britain* shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging; And that there be a Communication of all other Rights, Privileges and Advantages, which do, or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

✓ V. THAT all Ships belonging to Her Majesty's Subjects of *Scotland*, at the time of signing this Treaty for the Union of the two Kingdoms, though Foreign built, shall be deemed, and pass as Ships of the Built of *Great-Britain*; the Owner, or where there are more Owners, one or more of the Owners, within twelve months after the Union, making Oath, That, at the time of signing the said Treaty, the same did belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly Named, with the places of their respective Abodes, and that the same doth then belong to him or them, and that no Foreigner, directly or indirectly, hath any Share, Part or Interest therein: Which Oath shall be made before the Chief Officer or Officers of the Customs in the Port next to the Abode of the said Owner or Owners; And the said Officer, or Officers, shall be impowered to Administer the said Oath; And the Oath being so Administered, shall be attested by the Officer, or Officers, who Administered the same; And being Registrat by the said Officer, or Officers, shall be delivered to the Master of the Ship, for security of her Navigation, and a Duplicate thereof be transmitted by the said Officer, or Officers, to the Chief Officer, or Officers, of the Customs in the Port of *Edinburgh*, to be there entered in a Register, and from thence to be sent to the Port of *London*, to be there entered in

the General Register of all Trading Ships belonging to *Great-Britain*.

VI. THAT all parts of the United Kingdom for ever, from and after the Union, shall have the same Allowances and Encouragements, and be under the same Prohibitions, Restrictions, and Regulations of Trade, and liable to the same Customs and Duties on Import and Export: And that the Allowances, Encouragements, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in *England*, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom.

VII. THAT all parts of the United Kingdom be for ever, from and after the Union, liable to the same Excise upon all Exciseable Liquors: And that the Excise settled in *England* on such Liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. THAT, from and after the Union, all Foreign Salt which shall be imported into *Scotland* shall be charged, at the Importation there, with the same Duties as the like Salt is now charged with, being imported into *England*, and to be levied and secured in the same manner: But *Scotland* shall, for the space of Seven Years from the said Union, be exempted from the paying in *Scotland*, for Salt made there, the Duty or Excise now payable for Salt made in *England*; But, from the Expiration of the said Seven Years, shall be subject and liable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*, to be levied and secured in the same manner, and with the like Draw-backs and Allowances as in *England*. And during the said Seven Years, there shall be paid in *England* for all Salt made in *Scotland*, and imported from thence into *England*, the same Duties upon the Importation, as shall be payable for Salt made in *England*, to be levied and secured in the same manner as the Duties on Foreign Salt are, to be levied and secured in *England*: And that, during the said Seven Years, no Salt whatever be brought from *Scotland* to *England* by Land in any manner, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made use of in bringing the same, and paying Twenty Shillings

for every Bushel of such Salt, and proportionably for a greater or lesser Quantity, for which the Carrier, as well as the Owner, shall be liable jointly and severally ; and the Persons bringing, or carrying the same, to be Imprisoned by any one Justice of the Peace, by the space of six Months without Bail, and until the Penalty be paid ; And that, during the said Seven Years, all Salted Flesh, or Fish, Exported from *Scotland* to *England*, or made use of for Victualling of Ships in *Scotland*, and all Flesh put on Board in *Scotland*, to be Exported to Parts beyond the Seas, which shall be Salted with *Scots* Salt, or any Mixture therewith, shall be Forfeited, and may be Seized ; And that, from and after the Union, the Laws and Acts of Parliament in *Scotland* for Pineing, Curing, and Packing of Herrings, White Fish, and Salmon for Exportation, with Foreign Salt only, and for preventing of Frauds in Curing and Packing of Fish, be continued in Force in *Scotland*, subject to such Alterations as shall be made by the Parliament of *Great-Britain* ; And that all Fish Exported from *Scotland* to Parts beyond the Seas, which shall be Cured with Foreign Salt only, shall have the same Eases, Præmiums and Draw-backs as are, or shall be allowed to such Persons as Export the like Fish from *England* : And if any matters of Fraud relating to the said Duties on Salt, shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*.

IX. THAT, whenever the Sum of One Million nine hundred ninety seven thousand, seven hundred and sixty three Pounds, eight shilling and four pence half-penny, shall be Enacted by the Parliament of *Great-Britain* to be raised in that part of the United Kingdom now called *England*, on Land and other things usually charged in Acts of Parliament there, for granting an Aid to the Crown by a Land-Tax ; That part of the United Kingdom now called *Scotland* shall be charged, by the same Act, with a further Sum of Forty eight thousand Pounds free of all Charges, as the *Quota* of *Scotland* to such Tax, and so proportionably for any greater or lesser Sum raised in *England* by any Tax on Land, and other Things usually charged together with the Land ; And that such *Quota* for *Scotland*, in the cases afore-

said, be raised and collected in the same manner as the Cess now is in *Scotland*, but subject to such Regulations in the manner of Collecting as shall be made by the Parliament of *Great-Britain*.

X. THAT, during the Continuance of the respective Duties on Stamp Paper, Vellum and Parchment, by the several Acts now in Force in *England*, *Scotland* shall not be charged with the same respective Duties.

XI. THAT, during the Continuance of the Duties payable in *England* on Windows and Lights, which determines on the first day of August One thousand seven hundred and ten, *Scotland* shall not be charged with the same Duties.

XII. THAT, during the Continuance of the Duties payable in *England* on Coals, Culm and Cinders, which determines the Thirtieth Day of September, One Thousand Seven Hundred and Ten, *Scotland* shall not be charged therewith for Coals, Culm and Cinders consumed there, but shall be charged with the same Duties as in *England* for all Coal, Culm and Cinders not consumed in *Scotland*.

XIII. THAT, during the Continuance of the Duty payable in *England*, which determines the Twenty-fourth Day of June, One Thousand Seven Hundred and Seven, *Scotland* shall not be charged with that Duty.

XIV. THAT the Kingdom of *Scotland* be not charged with any other Duties laid on by the Parliament of *England* before the *Union*, except those consented to in this Treaty; In regard it is Agreed, That all necessary Provision shall be made by the Parliament of *Scotland* for the Public Charge and Service of that Kingdom for the year One Thousand Seven Hundred and Seven: *Providing nevertheless*, That, if the Parliament of *Great-Britain* shall see fit to lay any further Impositions, by way of Customs, or such Excises, with which, by virtue of this Treaty, *Scotland* is to be charged equally with *England*; In such case, *Scotland* shall be liable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of *Great-Britain*. And seeing it cannot be supposed, That the Parliament of *Great-Britain* will ever lay any sorts of Burthens upon the United Kingdom, but what they shall find of Necessity, at that time, for the Preservation and Good of the whole; And

with due regard to the Circumstances and Abilities of every Part of the United Kingdom ; Therefore, *It is Agreed*, That there be no further Exemption insisted on for any Part of the United Kingdom, but that the Consideration of any Exemptions, beyond what are already Agreed on in this Treaty, shall be left to the Determination of the Parliament of *Great-Britain*.

XV. WHEREAS, by the Terms of this Treaty, the Subjects of *Scotland*, for preserving an Equality of Trade throughout the United Kingdom, will be liable to several Customs and Excises now payable in *England*, which will be applicable towards payment of the Debts of *England*, contracted before the Union : *It is Agreed*, That *Scotland* shall have an Equivalent, for what the Subjects thereof shall be so charged towards payment of the said Debts of *England*, in all particulars whatsoever, in manner following, *viz.*, That, before the Union of the said Kingdoms, the Sum of three hundred ninety eight thousand and eighty five Pounds, ten Shillings, be granted to Her Majesty by the Parliament of *England* for the Uses after-mentioned, being the Equivalent to be answered to *Scotland*, for such parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the said Debts of *England*, according to the Proportions which the present Customs in *Scotland*, being Thirty Thousand Pounds *per Annum*, do bear to the Customs in *England*, computed at One Million, Three Hundred Forty One Thousand, Five Hundred and Fifty Nine Pounds *per Annum* : And which the present Excises on Exciseable Liquors in *Scotland*, being Thirty Three Thousand and Five Hundred Pounds *per Annum*, do bear to the Excises on Exciseable Liquors in *England*, computed at Nine Hundred, Forty Seven Thousand, Six Hundred and Two Pounds *per Annum* ; Which Sum of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, shall be due and payable from the time of the Union : And in regard, that, after the Union, *Scotland* becoming liable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in *England*, as well upon that Account, as upon the Account of the Increase of Trade and People (which will be the Happy Consequence of the *Union*)

The said Revenues will much Improve beyond the before-mentioned Annual Values thereof, of which no present Estimate can be made ; Yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to Scotland ; *It is Agreed*, That, after the Union, there shall be an Account kept of the said Duties arising in *Scotland*, to the end it may appear what ought to be Answered to *Scotland* as an Equivalent for such Proportion of the said Increase, as shall be applicable to the Payment of the Debts of *England*. And for the further and more effectual answering the several Ends hereafter mentioned, *It is Agreed*, That, from and after the Union, the whole Increase of the Revenues of Customs, and Duties on Import and Export, and Excise upon Exciseable Liquors in *Scotland*, over and above the Annual Produce of the said respective Duties, as above stated, shall go and be applied, for the Term of Seven Years, to the Uses hereafter mentioned ; And that, upon the said Account, there shall be answered to *Scotland* Annually, from the end of Seven Years after the Union, an Equivalent in Proportion to such part of said Increase, as shall be applicable to the Debts of *England*. And whereas, from the Expiration of Seven Years after the Union, *Scotland* is to be liable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England* ; *It is Agreed*, That, when such Duties take place there, an Equivalent shall be Answered to *Scotland* for such part thereof as shall be applied towards payment of the Debts of *England* ; Of which Duties, an Account shall be kept, to the end it may appear what is to be Answered to *Scotland* as the said Equivalent. And generally, That an Equivalent shall be Answered to *Scotland* for such parts of the *English* Debts as *Scotland* may hereafter become liable to pay by Reason of the Union, other than such for which Appropriations have been made by Parliament in *England*, or other Duties on Export and Import, Excises on all Exciseable Liquors or Salt, in respect of which Debts, Equivalents are herein before provided. And as for the Uses to which the said Sum of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, to be granted as aforesaid, and all other Moneys which are to be Answered or Allowed to *Scotland* as aforesaid, *It is Agreed*, That, out of the said Sum of Three Hundred, Ninety Eight

Thousand, Eighty Five Pounds, Ten Shillings, all the Public Debts of the Kingdom of *Scotland*, and also the Capital Stock, or Fund of the *African and Indian Company of Scotland* advanced, together with the Interest for the said Capital Stock, after the Rate of Five Pounds *per Cent. per Annum*, from the respective Times of the Payment thereof, shall be paid : Upon Payment of which Capital Stock and Interest, *It is Agreed*, The said Company be Dissolved and Cease, and also, That, from the time of passing the Act of Parliament in *England*, for Raising the said Sum of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, the said Company shall neither Trade nor grant Licence to Trade. And as to the Overplus of the said Sum of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, after the Payment of the said Debts of the Kingdom of *Scotland*, and the said Capital Stock and Interest, and also the whole Increase of the said Revenues of Customs, Duties and Excises, above the present Value, which shall arise in *Scotland* during the said Term of Seven Years, together with the Equivalent which shall become due upon Account of the Improvement thereof in *Scotland* after the said Term ; And also, as to all other Sums, which, according to the Agreements aforesaid, may become payable to *Scotland* by way of Equivalent, for what that Kingdom shall hereafter become liable towards payment of the Debts of *England*, *It is Agreed*, That the same be applied in manner following, *viz.*, That out of the same, what Consideration shall be found necessary to be had for any Losses which private Persons may sustain by reducing the Coin of *Scotland* to the Standard and Value of the Coin of *England*, may be made good ; And afterwards the same shall be wholly applied towards Encouraging and Promoting the Fisheries, and such other Manufactures and Improvements in *Scotland*, as may most conduce to the general Good of the United Kingdom. *And it is Agreed*, That Her Majesty be Impowered to appoint Commissioners, who shall be accountable to the Parliament of *Great-Britain* for disposing the said Sum of Three Hundred, Ninety Eight Thousand, Eighty Five Pounds, Ten Shillings, and all other Moneys which shall arise to *Scotland*, upon the Agreements aforesaid, to the purposes before mentioned : Which Commissioners shall be

Impowered to call for, Receive, and Dispose of the said Moneys in manner aforesaid, and to inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise ; And that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscribed Authentic Abbreviats of the Produce of such Revenues and Duties arising in their respective Districts ; And that the said Commissioners shall have their Office within the limits of *Scotland*, and shall, in such Office, keep Books containing Accounts of the Amounts of the Equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the Subjects who shall desire the same.

XVI. THAT, from and after the Union, the Coin shall be of the same Standard and Value throughout the United Kingdom, as now in *England*, and a Mint shall be continued in *Scotland* under the same Rules as the Mint in *England*, subject to such Regulations as Her Majesty, Her Heirs or Successors, or the Parliament of *Great-Britain* shall think fit.

XVII. THAT, from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom as are now Established in *England* ; And Standards of Weights and Measures shall be kept by those Burghs in *Scotland* to whom the Keeping the Standards of Weights and Measures, now in use there, does of special Right belong : All which Standards shall be sent down to such respective Burghs from the Standards kept in the Exchequer at Westminster, subject nevertheless to such Regulations as the Parliament of *Great-Britain* shall think fit.

XVIII, THAT the Laws concerning Regulation of Trade, Customs and such Excises, to which *Scotland* is, by virtue of this Treaty, to be liable, be the same in *Scotland*, from and after the Union, as in *England* ; And that all other Laws in use within the Kingdom of *Scotland*, do after the Union, and notwithstanding thereof, remain in the same Force as before (except such as are contrary to, or inconsistent with the Terms of this Treaty) but alterable by the Parliament of *Great-Britain*, with this Difference betwixt the Laws of Public Right, Policy, and Civil Government, and those which concern Private Right ;

That the Laws which concern Public Right, Policy, and Civil Government, may be made the same throughout the whole United Kingdom ; but that no Alteration be made in Laws which concern Private Right, except for evident Utility of the Subjects within Scotland.

XIX. THAT the Court of Session, or College of Justice, do after the Union, and notwithstanding thereof, remain in all time coming within *Scotland* as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, Subject nevertheless to such Regulations for the better Administration of Justice, as shall be made by the Parliament of *Great-Britain* ; And that the Court of *Justiciary* do also after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of *Justiciary* ; And that all *Admiralty Jurisdictions* be under the Lord High Admiral or Commissioners for the Admiralty of *Great-Britain* for the time being ; And that the Court of Admiralty now Established in *Scotland* be continued, and that all Reviews, Reductions, or Suspensions of the Sentences in Maritime cases competent to the Jurisdiction of that Court, remain in the same manner after the Union, as now in *Scotland*, until the Parliament of *Great-Britain* shall make such Regulations and Alterations as shall be judged Expedient for the whole United Kingdom, so as there be always continued in *Scotland* a Court of Admiralty, such as in *England*, for Determination of all Maritime Cases relating to private Rights in *Scotland*, competent to the Jurisdiction of the Admiralty Court, subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Parliament of *Great-Britain* ; And that the Heretable Rights of Admiralty and Vice-Admiralties be Reserved to the respective Proprietors as Rights of Property, subject nevertheless, as to the manner of exercising such Heretable Rights, to such Regulations and Alterations as shall be thought proper to be made by the Parliament of *Great-Britain* ; And that all other Courts now in

being within the Kingdom of *Scotland* do remain, but subject to Alterations by the Parliament of *Great-Britain*; And that all Inferior Courts within the said Limits do remain Subordinate, as they are now, to the Supreme Courts of Justice within the same, in all time coming; And that no Causes in *Scotland* be Cognoscable by the Courts of *Chancery*, *Queen's Bench*, *Common-Pleas*, or any other Court in *Westminster-Hall*; and that the said Courts, or any other of the like nature, after the Union, shall have no power to Cognosce, Review or Alter the Acts or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same; And that there be a Court of Exchequer in *Scotland* after the Union, for deciding questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such cases, as the Court of Exchequer has in *England*; And that the said Court of Exchequer in *Scotland* have power of passing Signatures, Gifts, Tutories, and in other things, as the Court of Exchequer at present in *Scotland* hath; And that the Court of Exchequer that now is in *Scotland* do remain, until a new Court of Exchequer be settled, by the Parliament of *Great-Britain*, in *Scotland* after the Union; And that, after the Union, the Queen's Majesty, and her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of Public Peace and Order, until the Parliament of *Great-Britain* shall think fit to alter it, or establish any other effectual method for that end.

XX. THAT all Heretable Offices, Heretable Jurisdictions Offices for Life, and Jurisdictions for Life, be reserved to the Owners thereof, as Rights of Property, in the same manner as they are now enjoyed by the Laws of *Scotland*, notwithstanding of this Treaty.

XXI. THAT the Rights and Privileges of the Royal Burghs in *Scotland* as they now are, do remain entire after the Union, and notwithstanding thereof.

XXII. THAT, by virtue of this Treaty, of the Peers of *Scotland* at the time of the Union, sixteen shall be the number to Sit and Vote in the House of *Lords*, and forty-five the number of the Representatives of *Scotland* in the House of *Commons* of the Parliament of *Great-Britain*; and that when

Her Majesty, Her Heirs or Successors, shall declare Her or Their Pleasure for holding the first or any subsequent Parliament of *Great-Britain*, until the Parliament of *Great-Britain* shall make further provision therein, a Writ do issue under the Great Seal of the United Kingdom, directed to the Privy Council of *Scotland*, commanding them to cause sixteen Peers, who are to sit in the House of *Lords*, to be summoned to Parliament, and forty-five members to be elected to sit in the House of *Commons* of the Parliament of *Great-Britain*, according to the Agreement in this Treaty, in such manner as by the Parliament of *Scotland* shall be settled before the Union; And that the names of the Persons so summoned and elected, shall be returned by the Privy Council of *Scotland*, into the Court from whence the said Writ did issue. And that if Her Majesty, on or before the first day of *May* next, on which day the Union is to take place, shall declare, under the Great Seal of *England*, That it is expedient, that the Lords of Parliament of *England*, and Commons of the present Parliament of *England* should be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*, then the said Lords and Parliament of *England*, and Commons of the present Parliament of *England*, shall be the Members of the Respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*: And Her Majesty may by Her Royal Proclamation, under the Great Seal of *Great-Britain*, appoint the said first Parliament of *Great-Britain* to meet at such Time and Place as Her Majesty shall think fit; Which Time shall be not less than Fifty Days after the date of such Proclamation; and the Time and Place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of *Great-Britain*, directed to the Privy Council of *Scotland*, for the summoning the sixteen Peers, and for electing forty-five Members, by whom *Scotland* is to be represented in the Parliament of *Great-Britain*: And the Lords of Parliament for *England* and the sixteen Peers of *Scotland*, such sixteen Peers being summoned and returned in the manner agreed in this Treaty; And the Members of the House of Commons of the said

Parliament of *England*, and the forty-five Members for *Scotland*, such forty-five Members being elected and returned in the manner agreed in this Treaty, shall assemble and meet respectively, in their respective Houses of the Parliament of *Great-Britain*, at such Time and Place as shall be so appointed by Her Majesty, and shall be the Two Houses of the first Parliament of *Great-Britain*, and that Parliament may continue for such time only, as the present Parliament of *England* might have continued, if the Union of the Two Kingdoms had not been made, unless sooner dissolved by Her Majesty ; And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherwise direct, shall take the respective Oaths appointed to be taken in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in *England*, in the first year of the reign of the late King William and Queen Mary, Entituled, *An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and approving other Oaths*, and make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in *England* in the thirtieth year of the reign of King Charles the Second, Entituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, Entituled, *An Act for the further Security of His Majesty's person, and the succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors*, and for declaring the *Association* to be determined at such time, and in such manner, as the Members of both Houses of Parliament of *England* are, by the said respective Acts, directed to take, make, and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is *Declared and Agreed*, That these words, *This Realm, the Crown of this Realm, and the Queen of this Realm*, mentioned in the Oaths and Declaration contained in the aforesaid *Acts*, which were intended to signify the *Crown and Realm of England*, shall be understood of the *Crown and Realm of Great-Britain* ; And that, in that sense the said Oaths

and Declaration be taken and subscribed by the Members of both Houses of the Parliament of *Great-Britain*.

XXIII. THAT the foresaid Sixteen Peers of *Scotland*, mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of *Great-Britain*, shall have all Privileges of Parliament which the Peers of *England* now have, and which they, or any Peers of *Great-Britain*, shall have after the Union, and particularly the Right of sitting upon the Trials of Peers : And in case of the Trial of any Peer in time of Adjournment or Prorogation of Parliament, the said Sixteen Peers shall be summoned in the same manner, and have the same Powers and Privileges at such Trials, as any other Peers of *Great-Britain* ; And that, in case any Trials of Peers shall hereafter happen when there is no Parliament in being, the Sixteen Peers of *Scotland* who sat in the last preceding Parliament shall be summoned in the same manner, and have the same Powers and Privileges at such Trials, as any other Peers of *Great-Britain* ; And that all Peers of *Scotland*, and their Successors to their Honours and Dignities, shall, from and after the Union, be Peers of *Great-Britain*, and have Rank and Precedency next and immediately after the Peers of the like Orders and Degrees in *England*, at the time of the Union, and before all Peers of *Great-Britain* of the like Orders and Degrees who may be created after the Union, and shall be tried as Peers of *Great-Britain*, and shall enjoy all Privileges of Peers, as fully as the Peers of *England* do now, or as they, or any other Peers of *Great-Britain*, may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the Right of sitting upon the Trials of Peers.

XXIV. THAT, from and after the Union, there be one Great Seal for the United Kingdom of *Great-Britain*, which shall be different from the Great Seal now used in either Kingdom ; And that the Quartering the Arms, as may best suit the Union, be left to Her Majesty : And that, in the mean time, the Great Seal of *England* be used as the Great Seal of the United Kingdom ; And that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of *Great-Britain*, and for Sealing all Treaties with

Foreign Princes and States, and all Public Acts, Instruments, and Orders of State, which concern the whole United Kingdom, and in all other matters relating to *England*, as the Great Seal is now used ; And that a Seal in *Scotland*, after the Union, be always kept, and made use of in all things relating to Private Rights or Grants, which have usually passed the Great Seal of *Scotland*, and which only concern Offices, Grants, Commissions, and Private Rights within that Kingdom ; And that, until such Seal shall be appointed by Her Majesty, the present Great Seal of *Scotland* shall be used for such purposes ; And that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal, and Seals of Courts now used in *Scotland*, be continued ; But that the said Seals be altered and adapted to the State of the Union, as Her Majesty shall think fit ; And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of *Great-Britain* shall hereafter make.

XXV. THAT all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be, by the respective Parliaments of the said Kingdoms.

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